

# State of South Dakota

## SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

355E0505

## HOUSE BILL NO. 1241

Introduced by: Representatives Hunhoff, Abdallah, Broderick, Brown (Jarvis), Brown (Richard), Frost, Heineman, Hennies (Thomas), Juhnke, McCaulley, McCoy, Michels, Murschel, and Valandra and Senators de Hueck, Albers, Ham, Hutmacher, Kleven, Koetzle, Madden, Moore, Munson, Volesky, and Whiting

1 FOR AN ACT ENTITLED, An Act to revise certain crimes to include certain forms of  
2 threatening or harassing communications.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-18-1 be amended to read as follows:

5 22-18-1. Any person who:

- 6 (1) Attempts to cause bodily injury to another, other than a law enforcement officer  
7 engaged in the performance of official duties, and has the actual ability to cause the  
8 injury;
- 9 (2) Recklessly causes bodily injury to another;
- 10 (3) Negligently causes bodily injury to another with a dangerous weapon;
- 11 (4) Attempts by physical menace or by threatening verbal, electronic, mechanical,  
12 telegraphic, or written communication to put another in fear of imminent serious  
13 bodily harm, with or without the actual ability to seriously harm the other person; or

1 (5) Intentionally causes bodily injury to another which does not result in serious bodily  
2 injury; is guilty of simple assault.

3 Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of,  
4 or entered a plea of guilty to, two or more violations of § 22-18-1, 22-18-1.1, 22-18-26, or  
5 22-18-29 within five years of committing the current offense, the defendant is guilty of a Class  
6 6 felony for any third or subsequent offense.

7 Section 2. That § 22-19A-1 be amended to read as follows:

8 22-19A-1. Any person:

9 (1) Who willfully, maliciously, and repeatedly follows or harasses another person; or

10 (2) Who makes a credible threat to another person with the intent to place that person in  
11 reasonable fear of death or great bodily injury; or

12 (3) Who anonymously or otherwise communicates or causes a communication with  
13 another person by verbal, electronic, mechanical, telegraphic, or written means in a  
14 manner that harasses;

15 is guilty of the crime of stalking. Stalking is a Class 1 misdemeanor.