

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0241

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 19** - 01/23/2002

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to create the crime of communicating a terroristic threat or  
2 hoax terroristic threat and to provide certain penalties therefor.

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

4 Section 1. Any person who intentionally communicates or causes to be communicated, either  
5 directly or indirectly, by leaving a substance or device, a threat that a firearm, a dangerous  
6 weapon, an explosive or incendiary device, a destructive device, a dangerous chemical or  
7 biological agent, a poison, a harmful radioactive substance, or any other device, substance, or  
8 item capable of causing death, serious bodily injury, or substantial property damage, will be used  
9 at a place or location, or is present or will be present at a place or location, thereby causing either  
10 the evacuation or serious disruption of a school, school-related event, school transportation,  
11 dwelling, building, place of assembly, or facility of public transport, or serious public  
12 inconvenience or alarm, is guilty of communicating a terroristic threat. A violation of this section  
13 is a Class 4 felony.

14 Section 2. Any person who intentionally possesses, transports, uses, or places any hoax  
15 substance or hoax destructive device with the intent of causing anxiety, unrest, fear, or personal



1 discomfort is guilty of a Class 5 felony. A hoax substance is any substance that would cause a  
2 person to reasonably believe that it is a dangerous chemical or biological agent, a poison, a  
3 harmful radioactive substance, or a similar substance. A hoax destructive device is any device  
4 that would cause a person to reasonably believe that it is a dangerous explosive or incendiary  
5 device or a similar destructive device.

6 Section 3. The court may, after conviction or adjudication of any violation of this Act,  
7 conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered  
8 by local, county, or state public safety agencies, and the amount of property damage caused as  
9 a result of the crime. A person found guilty of violating this Act may upon conviction, be ordered  
10 to make restitution to the local, county, or state public service agency for any cost incurred,  
11 damages and financial loss or property damage sustained as a result of the commission of the  
12 crime.

13 Section 4. That § 22-14A-22 be amended to read as follows:

14 22-14A-22. Any person who makes a false report, with intent to deceive, mislead, or  
15 otherwise misinform any person, concerning the placing or planting of any bomb, dynamite,  
16 explosive, or destructive device, dangerous chemical, biological agent, poison or harmful  
17 radioactive substance, is guilty of falsely reporting a **bomb threat**. Falsely reporting a **bomb threat**  
18 is a Class 6 felony. Any person found guilty of falsely reporting a **bomb threat** shall pay  
19 restitution for any expense incurred as a result of the crime. The person is also civilly liable for  
20 any injury to person or property from the false report and any costs related to responding to the  
21 false report. If the person making the false report prohibited by this section is a minor, the court,  
22 in addition to such other disposition as the court may impose, shall require the minor to perform  
23 at least fifty hours of public service unless tried as an adult.