

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0241

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 19** - 02/13/2002

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 a threat by leaving a substance or  
5 device, thereby causing either serious public inconvenience, or the evacuation or serious  
6 disruption of a building, place of assembly, facility of public or school transport, or a school  
7 related event, is guilty of communicating a terroristic threat. For the purposes of this section, a  
8 substance or device includes, but is not limited to, an actual or apparent dangerous weapon,  
9 destructive device, dangerous chemical, biological agent, poison, or harmful radioactive  
10 substance. A violation of this section is a Class 4 felony.

11 Section 2. Any person who intentionally possesses, transports, uses, or places any hoax  
12 substance or hoax destructive device with the intent of causing anxiety, unrest, fear, or personal  
13 discomfort is guilty of a Class 5 felony. A hoax substance is any substance that would cause a  
14 person to reasonably believe that it is a dangerous chemical or biological agent, a poison, a  
15 harmful radioactive substance, or a similar substance. A hoax destructive device is any device



1 that would cause a person to reasonably believe that it is a dangerous explosive or incendiary  
2 device or a similar destructive device.

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

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

11 22-14A-22. Any person who makes a false report, with intent to deceive, mislead, or  
12 otherwise misinform any person, concerning the placing or planting of any bomb, dynamite,  
13 explosive, ~~or~~ destructive device, dangerous chemical, biological agent, poison or harmful  
14 radioactive substance, is guilty of falsely reporting a ~~bomb threat~~. Falsely reporting a ~~bomb threat~~  
15 is a Class 6 felony. Any person found guilty of falsely reporting a ~~bomb threat~~ shall pay  
16 restitution for any expense incurred as a result of the crime. The person is also civilly liable for  
17 any injury to person or property from the false report and any costs related to responding to the  
18 false report. If the person making the false report prohibited by this section is a minor, the court,  
19 in addition to such other disposition as the court may impose, shall require the minor to perform  
20 at least fifty hours of public service unless tried as an adult.

21 Section 5. The provisions of this Act may not be construed to create any cause of action  
22 against any person based upon or arising out of any act or omission relating to any good faith  
23 response to a terrorist act or an attempted terrorist act.