

2024 South Dakota Legislature

Senate Bill 146**AMENDMENT 146C
FOR THE INTRODUCED BILL**

1 **An Act to revise and repeal provisions related to threatening elected officers and to**
2 **provide a penalty therefor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 22-11:**

5 It is a Class 5 felony for a person to knowingly and intentionally communicate any
6 ~~verbal,~~ written, or electronic threat to take the life of or to inflict serious bodily harm upon
7 an elected officer, or the immediate family of an elected officer. The threat must relate to
8 the elected officer's official capacity.

9 For the purposes of this section, the term "elected officer" means:

- 10 (1) Any ~~current or former~~ person holding statewide office as defined in § 12-27-1;
11 (2) Any current or former judicial officer as defined in § 22-11-14;
12 (3) Any ~~current or former~~ member of the Legislature;
13 (4) Any ~~current or former~~ person in local government elective office;
14 (5) Any ~~current or former~~ school board member; and
15 (6) Any person who has been elected or appointed to the elective office who has not
16 yet assumed office.

17 If a threat constitutes a violation of § ~~22-11-4~~ or 22-18-1.1, the provisions of this
18 section are superseded, and the penalties provided in § ~~22-11-4~~ or 22-18-1.1 apply.

19 **Section 2. That § 22-11-15.2 be REPEALED.**

20 ~~Any person who, knowingly and intentionally, deposits for conveyance in the mail~~
21 ~~or for a delivery from any post office or by any messenger any letter, paper, writing, print,~~
22 ~~or document containing any threat to take the life of or to inflict bodily harm upon a~~
23 ~~constitutional officer or former constitutional officer of the state, or a member of the~~
24 ~~constitutional officer's immediate family, or who, knowingly and intentionally, otherwise~~
25 ~~makes any threat to take the life of or to inflict bodily harm upon a constitutional officer~~

- 1 ~~or former constitutional officer or a member of the constitutional officer's immediate family~~
2 ~~is guilty of a Class 5 felony.~~

AMENDED