

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

655V0547

SENATE BILL NO. 118

Introduced by: Senators Tieszen, Begalka, Bradford, Frerichs, Kirkeby, and Vehle and
Representatives Feinstein, Erickson, Johns, and Stevens

1 FOR AN ACT ENTITLED, An Act to revise certain criminal penalties for intentional damage
2 to private property.

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

4 Section 1. That § 22-34-1 be amended to read as follows:

5 22-34-1. Any person who, with specific intent to do so, injures, damages, or destroys:

6 (1) Public property without the lawful consent of the appropriate governing body having
7 jurisdiction thereof; or

8 (2) Private property in which any other person has an interest, without the consent of the
9 other person;

10 is guilty of intentional damage to property. ~~If the damage to property~~ Intentional damage to
11 property is a Class 2 misdemeanor if the damage to property is four hundred dollars or less, ~~the~~
12 ~~person is guilty of intentional damage to property in the third degree, which is a Class 2~~
13 ~~misdemeanor. If the damage to property.~~ Intentional damage to property is a Class 1
14 misdemeanor if the damage to property is one thousand dollars or less, but more than four
15 hundred dollars, ~~the person is guilty of intentional damage to property in the second degree,~~



1 ~~which is a Class 1 misdemeanor. If the damage to property is. Intentional damage to property~~
2 ~~is a Class 6 felony if the damage to property is two thousand five hundred dollars or less, but~~
3 ~~more than one thousand dollars. Intentional damage to property is a Class 5 felony if the damage~~
4 ~~to property is five thousand dollars or less, but more than two thousand five hundred dollars.~~
5 ~~Intentional damage to property is a Class 4 felony if the damage to property is one hundred~~
6 ~~thousand dollars or less, but more than one five thousand dollars, ~~the person is guilty of~~~~
7 ~~intentional damage to property in the first degree, which is a Class 4 felony. If the damage to~~
8 ~~property. Intentional damage to property is a Class 3 felony if the damage to property is five~~
9 ~~hundred thousand dollars or less, but more than one hundred thousand dollars. Intentional~~
10 ~~damage to property is aggravated intentional damage to property if the damage to property is~~
11 ~~more than one five hundred thousand dollars, ~~the person is guilty of aggravated. Aggravated~~~~
12 ~~intentional damage to property, ~~which is a Class 3~~ Class 2 felony.~~

13 The provisions of this section do not apply if the intentional damage to property was
14 accomplished by arson or reckless burning or exploding pursuant to chapter 22-33.