

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0241

SENATE BILL NO. 19

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.

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, orally, in writing, by mail, by use of a telephonic or telecommunication
6 device including electronic mail, internet communications, and facsimile communications,
7 through an electronic communication device, by leaving a substance or device, or by any other
8 means, a threat that a firearm, a dangerous weapon, an explosive or incendiary device, a
9 destructive device, a dangerous chemical or biological agent, a poison, a harmful radioactive
10 substance, or any other device, substance, or item capable of causing death, serious bodily injury,
11 or property damage, will be used at a place or location, or is present or will be present at a place
12 or location, whether or not the same is in fact used or present, thereby causing either the
13 evacuation or serious disruption of a school, school-related event, school transportation,
14 dwelling, building, place of assembly, or facility of public transport, or serious public
15 inconvenience or alarm, is guilty of communicating a terroristic threat. A violation of this section



1 is a Class 4 felony.

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

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