

Title: "An Act to Enhance Penalties for the Violation of Right-to-Work Statutes" The bill is missed titled as it has nothing to do with the SD Constitution where Right -to- work is defined.

Section 1: Solicitation with Credible Threats

- **First Amendment Violation:** Criminalizes union solicitation, potentially infringing on free speech and association rights.
- **Vagueness:** "Credible threat" is not clearly defined, leading to inconsistent enforcement.

Section 2: Unauthorized Entry for Union Activities

- **Conflict with Federal Law:** Contradicts the National Labor Relations Act (NLRA), which protects certain union organizing activities on work premises.
- **Overbroad Speech Restriction:** Bans union representatives from workplaces, causing unconstitutional speech restrictions.
- **Viewpoint Discrimination:** Unfairly targets union reps while allowing other solicitors (e.g., salespeople).

Section 3: Home Picketing Ban

- **First Amendment Issue:** Prohibits peaceful protests, violating free speech and assembly rights.
- **Overbreadth:** Bans all types of home picketing, including constitutionally protected peaceful demonstrations.

Section 4: Interference with Right to Work

- **Vague Language:** Fails to clearly define "intimidation," risking arbitrary enforcement.
- **Redundancy:** Existing laws already cover coercion and harassment, making this section unnecessary.

Section 5: Picketing and Obstruction

- **First Amendment Violation:** Risks criminalizing peaceful picketing, which is protected speech.
- **Ambiguous Enforcement:** Terms like "obstruct" are subjective, leading to inconsistent application.
- **Selective Penalization:** Targets union-related picketing without regulating other protests equally.

Section 6: Violence, Intimidation, or Property Destruction

- **Overlap with Existing Laws:** South Dakota already penalizes violence and property destruction; this section adds redundant penalties targeting unions.
- **Chilling Effect on Organizing:** Could discourage lawful union advocacy due to fear of prosecution.
- **Freedom of choices:** Workers have a right to know what is available to them and their families.

Section 7: Unlawful Property Destruction (New Section)

- **Vagueness and Overbreadth:** Lacks specificity, risking misuse against lawful protests or strikes.
- **Redundant Law:** Property destruction is already illegal; targeting union-related incidents is discriminatory.

Section 8: Repeal of § 60-9-8

- **Weaker Anti-Corruption Protections:** Removing this section could reduce safeguards against bribery or undue influence in labor relations.
- **Unclear Legislative Intent:** The reason for repeal is not explained, leading to concerns about ethical implications.
- **Current statute:** Unions are controlled by multiple laws currently in place. This does not address that.

General Legal Concerns:

- **Federal Preemption:** Conflicts with federal labor law (NLRA), risking legal challenges.
- **Discriminatory Enforcement:** Targets union activities more harshly than other groups, suggesting bias against organized labor.

Need:

- Where is the need?
- Where are the records supporting the need?