

2021 South Dakota Legislature

Senate Bill 166**AMENDMENT 166D FOR THE SENATE JUDICIARY BILL**

1 **An Act to revise provisions regarding hate crimes.**

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

3 **Section 1.** That § 22-19B-1 be AMENDED.

4 **22-19B-1. Malicious intimidation or harassment--Felony.**

5 ~~No~~A person may ~~is guilty of a Class 6 felony if the person~~ maliciously and with the
6 specific intent to intimidate or harass any other person or ~~specific~~ group of persons in
7 whole or in part because of that person's or group of persons' actual or perceived race,
8 color, ethnicity, religion, ancestry, or ~~national origin,~~ disability, sex, sexual orientation,
9 gender identity, or identification as a Native American Two-Spirit:

10 (1) ~~Cause~~Causes physical injury to another person; ~~or~~

11 (2) ~~Deface~~Defaces any real or personal property of another person; ~~or~~

12 (3) ~~Damage~~Damages or ~~destroy~~destroys any real or personal property of another
13 person; or

14 (4) ~~Threaten~~Threatens, by word or act, to do the acts prohibited if there is reasonable
15 cause to believe that any of the acts prohibited in subdivision (1), (2), or (3) of this
16 section will occur.

17 ~~A violation of this section is a Class 6 felony.~~ For purposes of this section, Native
18 American Two-Spirit means a culturally and spiritually distinct gender traditionally
19 recognized among Native American nations.