



2024 South Dakota Legislature
Senate Bill 146
ENROLLED

AN ACT

ENTITLED An Act to revise and repeal provisions related to threatening persons holding statewide office, judicial officers, and elected officers and to provide a penalty therefor.

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

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

It is a Class 5 felony for a person to knowingly and intentionally communicate any written or electronic threat to take the life of or to inflict serious bodily harm upon:

- (1) Any current or former judicial officer as defined in § 22-11-14;
- (2) Any current or former person holding statewide office as defined in § 12-27-1; or
- (3) The immediate family of any current or former judicial officer or person holding statewide office.

If a threat constitutes a violation of § 22-18-1.1 the provisions of this section are superseded and the penalties provided in § 22-18-1.1 apply.

Section 2. That a NEW SECTION be added to chapter 22-11:

It is a Class 1 misdemeanor for a person to knowingly and intentionally communicate any written or electronic threat to take the life of or to inflict serious bodily harm upon an elected officer, or the immediate family of an elected officer. The threat must relate to the elected officer's official capacity.

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

- (1) Any current or former member of the Legislature;
- (2) Any current or former person in local government elective office;
- (3) Any current or former school board member; and
- (4) Any person who has been elected or appointed to the elective office who has not yet assumed office.

If a threat constitutes a violation of § 22-18-1.1 the provisions of this section are superseded and the penalties provided in § 22-18-1.1 apply.

Section 3. That § 22-11-15.2 be REPEALED.

An Act to revise and repeal provisions related to threatening persons holding statewide office, judicial officers, and elected officers and to provide a penalty therefor.

I certify that the attached Act originated in
the:
Senate as Bill No. 146

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 146
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State