## 2024 South Dakota Legislature

## **Senate Bill 146**

## AMENDMENT 146E FOR THE SENATE JUDICIARY ENGROSSED BILL

| 1  | An Act to revise and repeal provisions related to threatening elected officers and to        |
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| 2  | provide a penalty therefor.  |
| 3  | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:                               |
| 4  | Section 1. That a NEW SECTION be added to chapter 22-11:                                     |
| 5  | It is a Class 5 felony Class 1 misdemeanor for a person to knowingly and                     |
| 6  | intentionally communicate any written or electronic threat to take the life of or to inflict |
| 7  | serious bodily harm upon an elected officer, or the immediate family of an elected officer.  |
| 8  | The threat must relate to the elected officer's official capacity.                           |
| 9  | For the purposes of this section, the term "elected officer" means:                          |
| 10 | (1) Any current or former person holding statewide office as defined in § 12-27-1;           |
| 11 | (2) Any current or former judicial officer as defined in § 22-11-14;                         |
| 12 | (3) Any current or former member of the Legislature;   |
| 13 | (4) Any current or former person in local government elective office;                        |
| 14 | (5) Any current or former school board member; and   |
| 15 | (6) Any person who has been elected or appointed to the elective office who has not          |
| 16 | yet assumed office.  |
| 17 | A second or subsequent violation of this section is a Class 6 felony.                        |
| 18 | If a threat constitutes a violation of § 22-18-1.1 the provisions of this section are        |
| 19 | superseded and the penalties provided in § 22-18-1.1 apply.                                  |

## Section 2. That § 22-11-15.2 be REPEALED.

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Any person who, knowingly and intentionally, deposits for conveyance in the mail or for a delivery from any post office or by any messenger any letter, paper, writing, print, or document containing any threat to take the life of or to inflict bodily harm upon a constitutional officer or former constitutional officer of the state, or a member of the constitutional officer's immediate family, or who, knowingly and intentionally, otherwise

makes any threat to take the life of or to inflict bodily harm upon a constitutional officer

or former constitutional officer or a member of the constitutional officer's immediate family

is guilty of a Class 5 felony.