



2022 South Dakota Legislature  
**House Bill 1214**  
**ENROLLED**

AN ACT

**ENTITLED An Act to prohibit forms of caller identification manipulation and to impose a penalty therefor.**

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

**Section 1. That § 49-31-31 be AMENDED:**

**49-31-31.** It is a Class 1 misdemeanor for a person to use a telephone or other electronic communication device for any of the following purposes:

- (1) To contact another person with intent to terrorize, intimidate, threaten, harass, or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act;
- (2) To contact another person with intent to threaten to inflict physical harm or injury to any person or property;
- (3) To contact another person with intent to extort money or other things of value;
- (4) To contact another person with intent to disturb that person by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection; or
- (5) Except as allowed in section 2 of this Act, to contact or to attempt to contact another person and, in so doing, intentionally cause to be displayed as caller identification, a fictitious or misleading name or telephone number:
  - (a) To defraud, cause harm, or wrongfully obtain anything of value from another person; or
  - (b) Of another person who has not granted the person the right to display that other person's name or phone number, as applicable.

It is a Class 1 misdemeanor for a person to knowingly permit a telephone or other electronic communication device under his or her control to be used for a purpose prohibited by this section.

**Section 2. That chapter 49-31 be amended with a NEW SECTION:**

The provisions of subdivision 49-31-31(5) do not apply to:

- (1) An authorized activity of a law enforcement agency;
- (2) Any investigative, protective, or intelligence activity of a law enforcement agency of the United States, this state or its political subdivisions, or another state or its political subdivisions; or an intelligence agency of the United States;
- (3) A protective services or domestic violence shelter or facility;
- (4) A telecommunications company in:
  - (a) Blocking or restricting the name or phone number from being displayed by caller identification equipment or devices; or
  - (b) Displaying caller identification data sent to the company from the caller; or
- (5) Any activity pursuant to a court order that specifically authorizes the use of caller identification manipulation.

An Act to prohibit forms of caller identification manipulation and to impose a penalty therefor.

I certify that the attached Act originated in the:  
House as Bill No. 1214

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2022 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_ for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2022

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2022 at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1214  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State