

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

970T0587

## SENATE BILL NO. 134

Introduced by: Senators Lederman, Frerichs, and Rampelberg and Representatives Miller and Bolin

1 FOR AN ACT ENTITLED, An Act to establish or revise the elements of the criminal offenses  
2 of obstructing an officer, refusing the lawful order of a law enforcement officer, and fleeing  
3 the scene of a potential investigation, and to provide penalties therefor.

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

5 Section 1. That § 22-11-6 be amended to read as follows:

6 22-11-6. Except as provided in §§ 22-11-4 and 22-11-5, any person who, by using or  
7 threatening to use violence, force, or physical interference or obstacle, intentionally obstructs,  
8 impairs, or hinders the enforcement of the criminal laws or the preservation of the peace by a  
9 law enforcement officer or jailer acting under color of authority, or intentionally obstructs,  
10 impairs, or hinders the prevention, control, or abatement of fire by a firefighter acting under  
11 color of authority, or intentionally obstructs emergency management personnel acting under  
12 color of authority, is guilty of obstructing a law enforcement an officer, ~~firefighter, or emergency~~  
13 ~~medical technician~~. Obstructing a law enforcement an officer, ~~jailer, firefighter, or emergency~~  
14 ~~medical technician~~ is a Class 1 misdemeanor.

15 Section 2. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 Any person who intentionally fails or refuses to comply with a law enforcement officer's  
3 verbal command to stop, stay, or halt is guilty of refusing to obey the lawful order of a law  
4 enforcement officer. Refusal to obey the lawful order of a law enforcement officer is a Class 1  
5 misdemeanor.

6 Section 3. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 Any person who, in order to avoid arrest, detention, or investigation, or in order to conceal  
9 or destroy potential evidence of a crime, flees the scene of a potential investigation when a law  
10 enforcement officer arrives at the scene of the potential investigation is guilty of fleeing the  
11 scene of a potential investigation. Flight from the scene of a potential investigation is a Class  
12 1 misdemeanor.

13 Section 4. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 It is prima facie evidence that a person is fleeing the scene of a potential investigation as  
16 defined in section 3 of this Act if the person runs from the location upon the arrival of a law  
17 enforcement officer or upon the visual or auidial approach of a law enforcement vehicle.