



## 2021 South Dakota Legislature

**Senate Bill 166****SENATE JUDICIARY ENGROSSED***Introduced by: Senator Foster***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~~ specific intent to intimidate or harass any other person or ~~specific~~ group of persons in whole or in part because of that person's or group of persons' actual or perceived race, color, ethnicity, religion, ancestry, ~~or~~ national origin, disability, sex, sexual orientation, 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 person; or
- 14 (4) ~~Threaten~~Threatens, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts prohibited in subdivision (1), (2), or (3) of this section will occur.

17 ~~A violation of this section is a Class 6 felony.~~