



2024 South Dakota Legislature

Senate Bill 77

Introduced by: **Senator Reed**

1 **An Act to revise and repeal provisions related to threatening law enforcement**
 2 **officers and elected officials and to provide a penalty therefor.**

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

4 **Section 1. That chapter 22-11 be amended with a NEW SECTION:**

5 Any person who knowingly and intentionally communicates any verbal, written, or
 6 electronic threat to take the life of or to inflict bodily harm upon an elected official or law
 7 enforcement officer, or the immediate family of an elected official or law enforcement
 8 officer, is guilty of a Class 5 felony.

9 For the purposes of this section, the term "elected official" means any person
 10 holding a statewide office as defined in § 12-27-1, any member of the Legislature, any
 11 person in local government elective office, any school board member, and any person who
 12 has been elected or appointed to elective office who has not yet assumed office.

13 If a threat constitutes a violation of § 22-11-4 or 22-18-1.1, the provisions of this
 14 section are superseded, and the penalties provided in § 22-11-4 or 22-18-1.1 apply.

15 **Section 2. That § 22-11-15.2 be REPEALED:**

16 ~~Any person who, knowingly and intentionally, deposits for conveyance in the mail~~
 17 ~~or for a delivery from any post office or by any messenger any letter, paper, writing, print,~~
 18 ~~or document containing any threat to take the life of or to inflict bodily harm upon a~~
 19 ~~constitutional officer or former constitutional officer of the state, or a member of the~~
 20 ~~constitutional officer's immediate family, or who, knowingly and intentionally, otherwise~~
 21 ~~makes any threat to take the life of or to inflict bodily harm upon a constitutional officer~~
 22 ~~or former constitutional officer or a member of the constitutional officer's immediate family~~
 23 ~~is guilty of a Class 5 felony.~~

24 **Section 3. That § 22-11-15.5 be REPEALED:**

1 ~~Any person who, knowingly and intentionally, deposits for conveyance in the mail~~
2 ~~or for a delivery from any post office or by any messenger, any letter, paper, writing,~~
3 ~~print, or document containing any threat to take the life of or to inflict serious bodily harm~~
4 ~~upon a law enforcement officer of the state or a member of the officer's immediate family~~
5 ~~is guilty of a Class 5 felony. However, if any such threat is made which otherwise would~~
6 ~~constitute a violation of § 22-11-4 or 22-18-1.1, the provisions of such sections supersede~~
7 ~~the provisions of this section, and the penalties provided in § 22-11-4 or 22-18-1.1 apply.~~

8 **Section 4. That § 22-11-15.6 be REPEALED:**

9 ~~Any person who, knowingly and intentionally, communicates any threat not subject~~
10 ~~to § 22-11-15.5 to take the life of or to inflict serious bodily harm upon a law enforcement~~
11 ~~officer of the state or a member of the officer's immediate family, is guilty of a Class 1~~
12 ~~misdemeanor. However, if any such threat is made which otherwise would constitute a~~
13 ~~violation of § 22-11-4 or 22-18-1.1, the provisions of such sections supersede the~~
14 ~~provisions of this section, and the penalties provided in § 22-11-4 or 22-18-1.1 apply.~~