

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

169P0512

## HOUSE BILL NO. 1313

Introduced by: Representatives Olson (Ryan), Gilson, Gosch, Hills, Lust, and Rounds and  
Senators Albers and Abdallah

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain electronic communication  
2 devices to communicate threats and harassment and to provide a penalty therefor.

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

4 Section 1. That § 49-31-31 be amended to read as follows:

5 49-31-31. It is a Class 1 misdemeanor for a person to use a telephone or other electronic  
6 communication device for any of the following purposes:

- 7 (1) To call or communicate with another person with intent to terrorize, intimidate,  
8 threaten, harass or annoy such person by using obscene or lewd language or by  
9 suggesting a lewd or lascivious act;
- 10 (2) To call or communicate with another person with intent to threaten to inflict physical  
11 harm or injury to any person or property;
- 12 (3) To call or communicate with another person with intent to extort money or other  
13 things of value;
- 14 (4) To call or communicate with another person with intent to disturb ~~him~~ that person  
15 by repeated anonymous telephone calls or intentionally failing to replace the receiver



1           or disengage the telephone connection.

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