

AN ACT

ENTITLED, An Act to define electronic communication devices for certain crimes involving threatening or harassing calls.

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

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

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.

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 § 49-31-33 be amended to read as follows:

49-31-33. Any offense committed by use of a telephone or other electronic communication device as set forth in § 49-31-31 is considered to have been committed at either the place where the telecommunications message or electronic communication originated or at the place where the telecommunications message or electronic communication was received.

Section 3. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of §§ 49-31-31 and 49-31-33, an electronic communication device is any electronic device capable of transmitting signs, signals, writing, images, sounds, messages, data, or other information by wire, radio, light waves, electromagnetic means, or other similar means, including telephones, cellular phones, and computers.

