

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0039

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to BUTTE-----Vandalism.

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

3 Section 1. That § 22-34-1 be amended to read as follows:

4 22-34-1. Any person who ~~intentionally, with specific intent to do so,~~ injures, damages, or  
5 ~~destroys public~~ destroys:

6 (1) Public property without the lawful consent of the appropriate governing body having  
7 jurisdiction thereof, ~~or private; or~~

8 (2) Private property ~~in which of any other persons have an interest, other than by arson~~  
9 ~~under chapter 22-33~~ person, without the consent of the other ~~persons is punishable~~  
10 ~~according to the following schedule~~ person;

11 is guilty of intentional damage to property. If the damage to property is ~~one~~ four hundred dollars  
12 or less, the person is guilty of intentional damage to property in the third degree, which is a  
13 Class 2 misdemeanor. If the damage to property is ~~five hundred~~ one thousand dollars or less  
14 but more than ~~one~~ four hundred dollars, the person is guilty of intentional damage to property  
15 in the second degree, which is a Class 1 misdemeanor. If the damage to property is one hundred  
16 thousand dollars or less but more than five hundred one thousand dollars, the person is guilty



1 of intentional damage to property in the first degree, which is a Class 4 felony. If the damage  
2 to property is more than one hundred thousand dollars, the person is guilty of aggravated  
3 intentional damage to property, which is a Class 3 felony.

4 The provisions of this section do not apply if the intentional damage to property was  
5 accomplished by arson or reckless burning or exploding pursuant to chapter 22-33.

6 Section 2. That § 22-34-1.1 be amended to read as follows:

7 22-34-1.1. The injuries, damages, or destruction resulting from violations of § 22-34-1  
8 committed pursuant to one scheme or course of conduct may be aggregated ~~when determining~~  
9 to determine the degree of the offense regardless of whether such injuries, damage, or  
10 destruction affected the property of one or more persons.

11 Section 3. That § 22-34-2 be repealed.

12 ~~— 22-34-2. Any person who violates § 22-34-1, in addition to the punishment prescribed~~  
13 ~~therefor, is liable in treble damages for the injury done, to be recovered in a civil action by the~~  
14 ~~owner of the property or public officer having charge thereof.~~

15 Section 4. That § 22-34-27 be repealed.

16 ~~— 22-34-27. Any person who, with intent to cause damage, deposits, throws, or propels any~~  
17 ~~substance upon any highway, roadway, runway, or railroad tracks, or at any vehicle while such~~  
18 ~~vehicle is either in motion or stationary, is guilty of a Class 1 misdemeanor.~~

19 Section 5. That § 22-34-28 be amended to read as follows:

20 22-34-28. Any person who ~~intentionally~~, by any means, ~~or knowingly by damaging or~~  
21 ~~tampering~~ damages or tampers with any property and, as a direct result:

- 22 (1) Causes a substantial interruption or impairment: in television, radio, telephone,  
23 telegraph, or other mass communications service; in police, fire, or other public  
24 service communications; in radar, radio, or other electronic aids to air or marine

1 navigation or communications; or in amateur or citizens band radio  
2 communications being used for public service or emergency communications; or

3 (2) Causes a substantial interruption or impairment in public transportation, water  
4 supply, gas, power, or other utility service;

5 is guilty of a Class 6 felony.

6 Section 6. That § 22-34-29 be repealed.

7 ~~— 22-34-29. In addition to any other penalty imposed by law, if any person is convicted of~~  
8 ~~violating, or any person under the age of eighteen is adjudicated to have violated, the provisions~~  
9 ~~of § 22-34-1 or 22-34-27, and if the crime occurred while driving a motor vehicle or while being~~  
10 ~~a passenger in a motor vehicle, the court shall order the driving privileges of such person~~  
11 ~~suspended for:~~

12 ~~—— (1) Thirty days, if the damage is two hundred dollars or less;~~

13 ~~—— (2) Ninety days, if the damage is over two hundred dollars but less than one thousand~~  
14 ~~dollars; and~~

15 ~~—— (3) One hundred eighty days, if the damage is one thousand dollars or more.~~

16 ~~— For the purposes of this section, all acts of vandalism that are part of a course of conduct~~  
17 ~~shall be considered one violation for the purposes of determining damage. For the purposes of~~  
18 ~~this section, all acts of vandalism that are part of a course of conduct involving driving a motor~~  
19 ~~vehicle or being a passenger in a motor vehicle shall be deemed to have occurred while driving~~  
20 ~~a motor vehicle or being a passenger in a motor vehicle.~~