

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0055

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to GRANT-HATE CRIMES.

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

3 Section 1. That § 22-19B-1 be amended to read as follows:

4 22-19B-1. No person may maliciously and with the specific intent to intimidate or harass
5 ~~another~~ any person or specific group of persons because of that person's or group of persons'
6 race, ~~color~~ ethnicity, religion, ancestry, or national origin:

7 (1) Cause physical injury to another person; or

8 (2) Deface any real or personal property of another person; or

9 (3) Damage or destroy any real or personal property of another person; or

10 (4) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to
11 believe that any of the acts prohibited in subdivision (1), (2), or (3) of this section
12 will occur.

13 A violation of ~~subdivision (1)~~ this section is a Class 6 felony. ~~A violation of subdivision (2)~~
14 ~~is a Class 1 misdemeanor. A violation of subdivision (3) is a Class 1 misdemeanor if the damage~~
15 ~~is less than two hundred dollars, and is a Class 6 felony if the damage is two hundred dollars but~~
16 ~~less than five hundred dollars, and is a Class 4 felony if the damage is five hundred dollars or~~



1 ~~greater. A violation of subdivision (4) is a Class 1 misdemeanor.~~

2 Section 2. That § 22-19B-2 be amended to read as follows:

3 22-19B-2. For purposes of this chapter, the term, deface, includes cross-burnings or the
4 placing of any word or symbol commonly associated with racial, religious, or ethnic terrorism
5 on the property of another person without that person's permission.

6 Section 3. That § 22-19B-3 be amended to read as follows:

7 22-19B-3. In addition to the criminal penalty provided in § 22-19B-1, there is a civil cause
8 of action for malicious harassment. The victim of malicious intimidation or harassment may
9 recover both special and general damages, including damages for emotional distress, reasonable
10 attorney fees and costs, and punitive damages. The civil cause of action for malicious
11 intimidation or harassment is in addition to any other remedies, criminal or civil, otherwise
12 available under law.

13 Section 4. The code counsel shall rename chapter 22-19B, Hate Crimes.

14 Section 5. The code counsel shall transfer § 22-19B-3 to Title 20 and shall renumber the
15 section accordingly and adjust all appropriate cross references.