

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0101

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

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

1 FOR AN ACT ENTITLED, An Act to LAKE-IMPROPRIETIES AND BRIBERY IN PUBLIC  
2 OFFICE.

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

4 Section 1. That § 22-12A-1 be amended to read as follows:

5 22-12A-1. Any person who gives, or agrees or offers to give, any gratuity or reward in  
6 consideration that ~~he~~ that person or any other person ~~shall~~ be appointed to any public office, or  
7 ~~shall~~ be permitted to exercise, perform, or discharge the prerogatives or duties of any public  
8 office, is guilty of a Class 1 misdemeanor.

9 Section 2. That § 22-12A-2 be amended to read as follows:

10 22-12A-2. Any person who, directly or indirectly, asks or receives any consideration for  
11 appointing another person or procuring the employment of another person in any public office,  
12 or for permitting or agreeing to permit any other person to exercise any of the prerogatives or  
13 duties of a public office ~~which the actor holds~~, is guilty of a Class 1 misdemeanor.

14 Section 3. That § 22-12A-3 be amended to read as follows:

15 22-12A-3. Any appointment or employment to a public office made contrary to § 22-12A-1  
16 or 22-12A-2 is void, ~~but official acts~~. However, no official act performed prior to conviction of



1 any offense prohibited by such sections ~~are not~~ is invalid.

2 Section 4. That § 22-12A-4 be amended to read as follows:

3 22-12A-4. Any person who gives, or offers to give, a bribe to any member of the Legislature,  
4 or attempts, directly or indirectly, by menace, deceit, suppression of truth, or any other corrupt  
5 means, to influence a member ~~in giving to give or withholding his~~ to withhold the member's  
6 vote, or ~~in not attending to not attend~~ the branch of which he is a member legislative session,  
7 or any committee thereof, is guilty of a Class 4 felony.

8 Section 5. That § 22-12A-5 be amended to read as follows:

9 22-12A-5. Any member of the Legislature who asks, receives, or agrees to receive any bribe  
10 upon any understanding that ~~his~~ the member's official vote, opinion, judgment, or action ~~shall~~  
11 be influenced thereby, or ~~shall be~~ who is given any bribe in any manner upon any particular side  
12 of any question or matter upon which ~~he~~ the member may be required to act in ~~his~~ an official  
13 capacity, is guilty of a Class 4 felony.

14 Section 6. That § 22-12A-6 be amended to read as follows:

15 22-12A-6. Any person who gives or offers a bribe to a public officer or employee with intent  
16 to influence ~~him~~ the officer or employee in respect to any act, decision, vote, opinion, or other  
17 proceeding for which the officer or employee is responsible ~~for~~, is guilty of a Class 4 felony.

18 Section 7. That § 22-12A-7 be amended to read as follows:

19 22-12A-7. Any public officer or employee, who asks, receives, or agrees to receive a bribe  
20 upon an agreement or understanding that his or her vote, opinion, or action upon any matter then  
21 pending, or which may by law be brought before him or her in ~~his~~ a public capacity, ~~may~~ be  
22 influenced thereby, is guilty of a Class 4 felony.

23 Section 8. That § 22-12A-8 be amended to read as follows:

24 22-12A-8. Any public officer or employee who asks or receives any fee or consideration for

1 any official service which has not been rendered, except charges for prospective costs or fees  
2 demandable in advance ~~when, if~~ allowed by law, or who asks or receives any emolument,  
3 gratuity, reward, or other consideration excepting as authorized by law, for doing any official  
4 act, is guilty of a Class 1 misdemeanor.

5 Section 9. That § 22-12A-9 be amended to read as follows:

6 22-12A-9. Any public officer or employee who asks or receives any emolument, gratuity,  
7 reward, or other consideration for omitting or deferring the performance of any official duty, is  
8 guilty of a Class 1 misdemeanor.

9 Section 10. That § 22-12A-10 be amended to read as follows:

10 22-12A-10. ~~Any~~ The public office of any public officer or employee who is convicted of  
11 violating any provision contained in this chapter ~~shall is forfeit his public office and.~~ Moreover,  
12 such public officer or employee is forever disqualified from holding any public office in this  
13 state.

14 Section 11. That § 22-12A-11 be amended to read as follows:

15 22-12A-11. Any person who:

16 (1) Gives or offers to give a bribe to any judicial officer or juror or to any person who  
17 may be authorized by law to hear or determine any question or controversy, with  
18 intent to influence ~~his~~ that person's vote, opinion, or decision upon any matter or  
19 question which is or may be brought before ~~him~~ that person for decision; or

20 (2) While acting as a judicial officer or juror, asks, receives or agrees to receive a bribe  
21 upon any agreement or understanding that ~~his~~ that person's vote, opinion, or decision  
22 upon any matter or question which is or may be brought before ~~him~~ that person for  
23 decision shall be influenced thereby,

24 is guilty of a Class 4 felony.

1           In addition to the prescribed punishment, ~~a, the office of any~~ the office of any judicial officer convicted under  
2   subdivision (2) of this section ~~forfeits his office and is permanently~~ is forfeit. Moreover, such  
3   judicial officer is forever disqualified from holding any public office under this state.