

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

673H0456

## HOUSE BILL NO. 1189

Introduced by: Representatives Wick, Abdallah, Adelstein, Brown (Richard), Duniphan, Hennies (Thomas), Holbeck, Hundstad, Jensen, McCaulley, Peterson (Bill), and Smidt and Senators Munson, Greenfield, Koetzle, Koskan, Olson (Ed), and Stagers

1 FOR AN ACT ENTITLED, An Act to establish the crime of air piracy and to increase the  
2 penalty for theft of certain aircraft.

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

4 Section 1. That chapter 22-30 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person who obtains physical control of any aircraft registered pursuant to the provisions  
7 of chapter 50-11 by means of inflicting or threatening to inflict serious bodily harm or death on  
8 any person is guilty of air piracy.

9 A violation of this section that results in the death of any person is a Class B felony. Any  
10 other violation of this section is a Class 1 felony.

11 Section 2. That § 22-30-4 be amended to read as follows:

12 22-30-4. ~~The~~ With the exception of the circumstances stated in section 1 of this Act, the  
13 taking of property from the person of another or in ~~his~~ the other's immediate presence is not  
14 robbery ~~when~~ if it clearly appears that the taking was fully completed without ~~his~~ the other's



1 knowledge.

2 Section 3. That chapter 22-30A be amended by adding thereto a NEW SECTION to read

3 as follows:

4 Any person who takes or obtains physical control of any aircraft registered pursuant to the

5 provisions of chapter 50-11 with the intent to deprive another of the aircraft or without the

6 permission of the owner or the owner's agent is guilty of theft of an aircraft.

7 A violation of this section is a Class 3 felony.