

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

666V0665

## HOUSE BILL NO. 1186

Introduced by: Representatives Gibson, Bartling, Feickert, Hawks, Hawley, Hunhoff (Bernie), Killer, Kirschman, Parsley, Peterson, Ring, Schrempp, Tyler, and Wismer and Senators Lucas, Buhl O'Donnell, Frerichs, Jones (Tom), Sutton, and Welke

1 FOR AN ACT ENTITLED, An Act to establish the elements of the crimes of witness  
2 intimidation and to provide penalties therefor.

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

4 Section 1. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Other than witness tampering as defined in § 22-11-19, any person who knowingly and  
7 maliciously prevents or dissuades a witness or victim from attending or giving testimony at any  
8 civil or criminal trial, proceeding, or inquiry authorized by law is guilty of witness intimidation.  
9 Witness intimidation is a Class 6 felony.

10 Any person who knowingly and maliciously prevents or dissuades a victim or a person  
11 acting in lawful behalf of a victim from:

12 (1) Making any report of the victimization of a victim to any law enforcement officer,  
13 prosecutor, probation officer, parole officer, correctional officer, community  
14 correctional services officer, or judicial officer;



1       (2)    Causing a complaint, indictment, or information to be sought and prosecuted, or  
2            causing a violation of probation, parole, or assignment to a community correctional  
3            services program to be reported and prosecuted, and assisting in its prosecution;

4       (3)    Causing a civil action to be filed and prosecuted and assisting in its prosecution; or

5       (4)    Causing or seeking the arrest of any person in connection with the victimization of  
6            a victim;

7    is guilty of victim intimidation. Victim intimidation is a Class 1 misdemeanor.