



2025 South Dakota Legislature

Senate Bill 14

ENROLLED

AN ACT

ENTITLED An Act to revise and repeal provisions related to agricultural production facilities and to provide a penalty therefor.

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

Section 1. That § 22-30A-17 be AMENDED:

22-30A-17. Grand theft is a Class 6 felony if the property stolen:

- (1) Exceeds one thousand dollars in value but is less than or equal to two thousand five hundred dollars;
- (2) Is a firearm with a value of less than or equal to two thousand five hundred dollars;
- (3) Is taken from the person of another with a value of less than or equal to two thousand five hundred dollars; or
- (4) Is livestock, as defined in § 21-61-1, with a value of less than or equal to two thousand five hundred dollars.

Grand theft is a Class 5 felony if the value of the property is more than two thousand five hundred dollars but less than or equal to five thousand dollars.

Grand theft is a Class 4 felony if the value of the property is more than five thousand dollars but less than or equal to one hundred thousand dollars.

Grand theft is a Class 3 felony if the value of the property is more than one hundred thousand dollars but less than or equal to five hundred thousand dollars.

Section 2. That § 40-38-1 be AMENDED:

40-38-1. Terms used in this chapter mean:

- (1) "Agricultural production facility," real or personal property that is used primarily for agricultural purposes, including:
 - (a) A vehicle, building, structure, research facility, or area where an animal is kept, handled, housed, transported, exhibited, bred, or offered for sale; or

- (b) A barn, crop field, elevator, garden, greenhouse, nursery, orchard, research facility, seedhouse, warehouse, structure, machinery, or equipment;
- (2) "Animal," any living vertebrate except human beings;
- (3) "Consent," permission by the owner or by a person legally authorized to act for the owner. Consent is not effective if:
 - (a) Induced by force or threat;
 - (b) Given by a person the offender knows is not legally authorized to act for the owner; or
 - (c) Given by a person who by reason of age, mental disease or defect, or influence of drugs or alcohol is known by the offender to be incapable of consenting;
- (4) "Crop," a plant or plant product that is grown for food, feed, fiber, forage, or fuel;
- (5) "Deception," the act of knowingly:
 - (a) Creating or confirming another person's belief or impression as to the existence or nonexistence of a fact or condition that is false and that the actor does not believe to be true; or
 - (b) Failing to correct a false belief or impression as to the existence or nonexistence of a fact or condition that the actor previously created or confirmed;
- (6) "Deprive," to:
 - (a) Withhold an animal or material appurtenant to an animal from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;
 - (b) Restore an animal or property only upon payment of a reward or other compensation; or
 - (c) Dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely;
- (7) "Owner," a person who has title to the property, legal possession of the property, or a greater right to possession of the property than the other;
- (8) "Possession," actual custody, control, or management; and
- (9) "Research facility," any place at which any scientific test, experiment, or investigation involving the use of any living animal or crop is carried out, conducted, or attempted.

Section 3. That § 40-38-2 be AMENDED:

40-38-2. No person, without consent, may:

- (1) Intentionally damage or destroy an agricultural production facility or an animal, or obstruct any enterprise conducted at the agricultural production facility;
- (2) Acquire or otherwise exercise control over an agricultural production facility or an animal or other property from an agricultural production facility with the intent to deprive the owner or to obstruct the enterprise conducted at the facility;
- (3) Enter an agricultural production facility, not then open to the public, with intent to commit any act prohibited by this section;
- (4) Enter an agricultural production facility and remain concealed, with intent to commit any act prohibited by this section;
- (5) Enter an agricultural production facility and commit or attempt to commit any act prohibited by this section;
- (6) Intentionally turn out or release any animal or any plant pest or pathogen in or on an agricultural production facility;
- (7) Use deception to gain access to or employment at an agricultural facility that is not open to the public, with the intent to cause physical or economic harm or other injury to the agricultural production facility; or
- (8) Knowingly place or use a camera or electronic surveillance device that transmits or records images or data while committing criminal trespass as set forth in chapter 22-35.

This section does not apply to lawful activities of a governmental agency or emergency service carrying out its duties under law.

Section 4. That § 40-38-3 be AMENDED:

40-38-3. No person may, without consent, and with the intent to obstruct the enterprise conducted at an agricultural production facility, enter or remain on the agricultural production facility, if the person had notice that the entry was forbidden or received notice to depart but failed to do so. Notice includes communication by the owner or any person with apparent authority to act for the owner, fencing, other enclosures designed to exclude trespassers or to contain animals, or a sign posted on the property or at the entrance to the agricultural production facility indicating that entry is forbidden. This section does not apply to lawful activities of a governmental agency or emergency service carrying out its duties under law.

Section 5. That § 40-38-4 be AMENDED:

40-38-4. Any person who violates subdivision 40-38-2(1) or (6) is guilty of a Class 2 misdemeanor if there is damage of four hundred dollars or less. Any person who violates subdivision 40-38-2(7) or (8), is guilty of a Class 2 misdemeanor. Any person who violates subdivision 40-38-2(1) or (6) is guilty of a Class 1 misdemeanor if there is damage in an amount greater than four hundred dollars and less than one thousand dollars. Any person who violates subdivision 40-38-2(1) or (6) is guilty of a Class 4 felony if there is damage of one thousand dollars or greater. Any person who violates subdivisions 40-38-2(2) to (5), inclusive, is guilty of a Class 4 felony.

Section 6. That § 21-60-1 be REPEALED.

Section 7. That § 21-60-2 be REPEALED.

Section 8. That § 21-60-3 be REPEALED.

An Act to revise and repeal provisions related to agricultural production facilities and to provide a penalty therefor.

 I certify that the attached Act originated in
 the:
 Senate as Bill No. 14

 Received at this Executive Office
 this _____ day of _____,
 2025 at _____ M.

 Secretary of the Senate

By _____

 for the Governor

 President of the Senate

The attached Act is hereby
 approved this _____ day of
 _____, A.D., 2025

Attest:

 Secretary of the Senate

 Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

 Speaker of the House

Attest:

Filed _____, 2025
 at _____ o'clock ____ M.

 Chief Clerk

 Secretary of State

Senate Bill No. 14
 File No. _____
 Chapter No. _____

By _____

 Asst. Secretary of State