

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0285

## SENATE BILL NO. 16

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions safeguarding law enforcement  
2 radio communications.

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

4 Section 1. That chapter 23-4 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person who possesses any device actively receiving law enforcement or emergency  
7 dispatch audio or emergency dispatch text while committing a felony is guilty of a Class 1  
8 misdemeanor.

9 Section 2. That § 23-4-1 be repealed.

10 ~~23-4-1. As used in this chapter, the term "emergency vehicle" shall mean:~~

11 ~~(1) Any motor vehicle used by law enforcement officers or employees of any~~  
12 ~~municipality, county, the State of South Dakota, federal law enforcement agencies,~~  
13 ~~or armed forces of the United States while on official business;~~

14 ~~(2) Any fire department vehicle of any municipality or county of the State of South~~  
15 ~~Dakota or any state fire marshal's vehicle;~~



1 ~~(3) Any motor vehicle designated as an emergency vehicle by the attorney general of the~~  
2 ~~State of South Dakota when said vehicle is to be assigned the use of frequencies~~  
3 ~~assigned to the State of South Dakota;~~

4 ~~(4) Any motor vehicle designated as an emergency vehicle by the sheriff of any county~~  
5 ~~in South Dakota, when said vehicle is assigned the use of frequencies assigned to~~  
6 ~~said county;~~

7 ~~(5) Any motor vehicle designated as an emergency vehicle by the chief of police of any~~  
8 ~~municipality in South Dakota when said vehicle is to be assigned the use of~~  
9 ~~frequencies assigned to said municipality.~~

10 Section 3. That § 23-4-3 be repealed.

11 ~~23-4-3. At the discretion of the attorney general or the legal licensee of each county or~~  
12 ~~municipality, a permit to monitor said assigned frequencies may be issued. Such permit will~~  
13 ~~apply to fixed monitors in authorized places of business. Application for such permit will be~~  
14 ~~made in writing to the attorney general for frequencies assigned to the State of South Dakota~~  
15 ~~and to the sheriff or fire chief for frequencies assigned to various counties and to the chief of~~  
16 ~~police and fire chief of the various municipalities.~~

17 Section 4. That § 23-4-5 be repealed.

18 ~~23-4-5. The possession of any receiving set or converter described in § 23-4-2 in any vehicle~~  
19 ~~or business establishment, without permission pursuant to § 23-4-3, will constitute prima facie~~  
20 ~~evidence of possession for unlawful purposes, and such receiving set shall be deemed~~  
21 ~~contraband and shall be confiscated by any peace officer of this state and delivered to the~~  
22 ~~attorney general for disposition.~~