

## Stop Street Harassment

### South Dakota

A variety of forms of street harassment are illegal in South Dakota, including verbal harassment, indecent exposure, following, groping, and hate crimes. Here are the laws and reporting procedures you need to know.

#### Verbal Harassment

There are two laws that prohibit some form of verbal harassment in South Dakota.

##### ***Disorderly Conduct***

###### [SDCL § 22-18-35](#)

South Dakota's disorderly conduct law prohibits a person from intentionally causing a public inconvenience, annoyance or alarm to another person or making unreasonable noise.

If a harasser says anything that makes you feel annoyed or alarmed (such as repeatedly asking for your name or phone number after you've said no, or asking where you live), or if the harasser escalates and shouts and otherwise makes loud noises, you can report him/her.

Penalty: Disorderly conduct is a Class 2 misdemeanor, punishable by 30 days in the county jail or a \$500 fine, or both, but it can rise to a more severe penalty if the harasser is a repeat offender.

##### ***Stalking***

###### [SDCL § 22-19A-1](#)

Stalking is illegal in South Dakota. It is illegal for anyone to repeatedly (at least twice) harass another person verbally or by other means, and it is also illegal for someone to make a credible threat with the intention of making another person fear being hurt or killed,

If someone verbally harasses you on at least two different occasions or if a person makes just one threat against you that makes you fear s/he will hurt you and you fear s/he will try to act on these threats, you can report that person.

Penalty: Stalking is a Class 1 misdemeanor, punishable by one year in the county jail, a \$2,000 fine, or both. If a person is convicted a second time within 10 years, it is a Class 6 felony, punishable by two years imprisonment in the state penitentiary, a fine of \$4,000, or both.

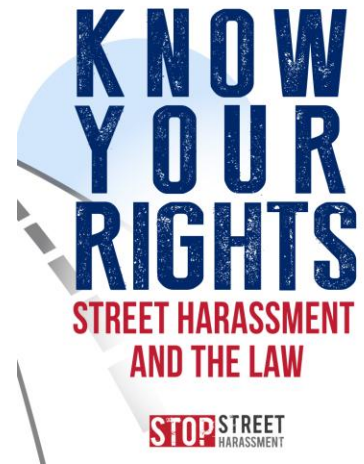
#### Indecent Exposure

##### ***Public Indecency***

###### [SDCL § 22-24-1.1](#)

In South Dakota, it is illegal for a harasser to intentionally expose his or her genitals or buttocks in a public place when s/he knows that doing so is likely to annoy, offend, or alarm another person.

If a harasser flashes you or exposes her or himself to you in a public place like a park, the street, or a bus, you can report him/her.



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**Penalty:** Public indecency is a Class 2 misdemeanor, punishable by 30 days in jail or a \$500 fine, or both. If the harasser is at least 18 years old and that person exposes him or herself to a child who is 13 years or younger, public indecency is a Class 6 felony, punishable by 2 years in prison, a fine of \$4,000, or both. If the harasser flashes a child more than once, it becomes a Class 5 felony, punishable by five years in prison and a fine of \$10,000.

### **Following**

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

### ***Stalking***

#### **[SDCL § 22-19A-1](#)**

Stalking is illegal in South Dakota. Under the law, it is illegal for someone to repeatedly (at least twice) harass and purposely and maliciously follow another person.

If the same person, on more than one occasion, follows you or harasses you and you feel threatened and unsafe, you can report that person.

**Penalty:** Stalking is a Class 1 misdemeanor, punishable by one year in the county jail, a \$2,000 fine, or both. If a person is convicted a second time within 10 years, it is a Class 6 felony, punishable by two years imprisonment in the state penitentiary, a fine of \$4,000, or both. It's also a Class 6 felony if the person being stalked is twelve years of age or younger.

### **Groping**

#### ***Sexual Contact without Consent***

#### **[SDCL § 22 – 22 - 7.4](#)**

It is illegal in South Dakota for anyone to have sexual contact with a person who is capable of giving consent without that person's consent.

Sexual contact is defined as any touching, whether under or over clothing, of the genitalia, anus, or (female) breasts of another person for the purpose of arousing or gratifying sexual desire.

If a harasser touches or grabs your crotch, butt, or breasts without your consent, you can report him/her.

**Penalty:** Sexual contact without consent is a Class 1 misdemeanor, punishable by one year in jail, a \$2,000 fine, or both. The charge rises to a Class 4 felony if the sexual contact was with a person incapable of giving consent because of a physical or mental disability. In this case, the penalty is ten years in prison and a fine of \$10,000.

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### Hate Crimes

#### SDCL § 22 – 19B -1

In South Dakota, it is illegal to intentionally intimidate or harass, harm or threaten to harm another person because of that person's:

- Race
- Ethnicity
- Religion
- Ancestry
- National origin

If a harasser indicates that s/he is committing an act against you – such as following you, threatening you, or putting their hands on you – because of your race, religion, or another protected characteristic, you can report his or her crime and hate to the police. Demonstrating that the crime was committed because of the offender's bias is the key element in determining if something was a hate crime.

Penalty: A hate crime is a Class 6 felony, punishable by two years in prison, a fine of \$4,000, or both.

### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Sioux Falls, this number is (605) 367-7212, in Rapid City it's (605) 394-4131, and in Aberdeen it's (605) 626-7000. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as Hate Crime, Chapter 22-19B section 1. If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms. Visit your local police department website for information.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location.

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- In Rapid City, you can do this anonymously via an [online form](#) or by texting “RCPD” and your tip to 847411.
- Once you’ve reported a crime, if you’ve provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment “isn’t a big deal,” or isn’t illegal, don’t buy it. You always have the right to be free from sexual harassment and assault in public.