

South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-30a. Theft (Refs & Annos)

SDCL § 22-30A-4

22-30A-4. Theft by **threat**

Currentness

A person is guilty of theft if the person obtains property of another by threatening to:

- (1) Inflict bodily injury on anyone or commit any criminal offense;
- (2) Accuse anyone of a criminal offense;
- (3) Expose any secret tending to subject any person to hatred, contempt, or ridicule, or to impair any person's credit or business repute;
- (4) Take or withhold action as an official, or cause an official to take or withhold action;
- (5) Bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act;
- (6) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (7) Inflict any other harm which would not benefit the person making the **threat**.

Credits

Source: SDC 1939, §§ 13.3901, 13.3902, 13.3907; SDCL §§ 22-31-1, 22-31-2, 22-31-5; SL 1976, ch 158, § 30A-10; SL 2005, ch 120, § 53.

Editors' Notes

Relevant Additional Resources

Additional Resources listed below contain your search terms.

CROSS REFERENCES

Definitions of actor, obtain, offense, property, and property of another, see § 22-1-2.

RESEARCH REFERENCES

ALR Library

Injury to Reputation or Mental Well-Being as Within Penal Extortion Statutes Requiring **Threat** of "Injury to the Person", 87 A.L.R.5th 715.

UNITED STATES CODE ANNOTATED

Extortion and **threats**, federal crimes and offenses, see 18 U.S.C.A. § 871 et seq.

UNITED STATES SUPREME COURT

Negligence as to whether communication contains a **threat** is not sufficient to support federal conviction for threatening another person, see *Elonis v. U.S.*, 2015, 135 S.Ct. 2001. **Threats**, Stalking, and Harassment ¶12(3)

Relevant Notes of Decisions (3)

View all 3

Notes of Decisions listed below contain your search terms.

Instructions

Habeas corpus petitioner was not deprived of effective assistance of counsel based upon his counsel's failure to object to jury instruction regarding **threat** in trial of defendant for grand theft by **threat**, as instruction given was correct statement of law. SDCL 22-30A-4; U.S.C.A. Const.Amend. 6. *Lee v. Solem*, 1987, 405 N.W.2d 56. Criminal Law ¶1948

In prosecution for theft by **threat**, instruction on offense correctly stated methods of making **threat**, and evidence that victim was "scared" and hurriedly went to son's residence to tell him that \$1,500 had to be taken to defendant's house "or else someone would be floating in river," was sufficient, notwithstanding omission in **definition**, to support conviction based on finding that **threat** was to inflict bodily injury or to commit criminal offense. SDCL 22-30A-4(1). *State v. Lee*, 1985, 364 N.W.2d 544. Larceny ¶55; Larceny ¶70(2)

Juror comments

Defendant's convictions for theft by **threat** and commission of felony while armed with firearm would not be disturbed, notwithstanding any inappropriate remarks by juror, where verdict on those counts had been reached prior to time remarks were made and was based only upon evidence produced at trial. SDCL 22-14-3, 22-30A-4. *Buchholz v. State*, 1985, 366 N.W.2d 834. Criminal Law ¶1174(2)

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SDCL § 22-30A-4, SD ST § 22-30A-4

Current through 2019 Session Laws, Executive Order 19-1 and Supreme Court Rule 19-18

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