South Dakota

Overall Ranking: Top Tier

South Dakota Research Facility Protection Law


No person, without consent, may:

(1) Intentionally damage or destroy an animal facility, an animal, or property in or on the animal facility, or obstruct any enterprise conducted at the animal facility;

(2) Acquire or otherwise exercise control over an animal facility or an animal or other property from an animal facility with the intent to deprive the owner or to obstruct the enterprise conducted at the facility;

(3) Enter an animal facility, not then open to the public, with intent to commit any act prohibited by this section;

(4) Enter an animal facility and remain concealed, with intent to commit any act prohibited by this section;

(5) Enter an animal facility and commit or attempt to commit any act prohibited by this section; or

(6) Intentionally turn out or release any animal in or on an animal facility.

This section does not apply to lawful activities of a governmental agency carrying out its duties under law.
S.D. CODIFIED LAWS § 40-1-16 (2010). Scientific experiments not prohibited – Guidelines

Nothing in this chapter may be construed to interfere with any properly conducted scientific experiments or investigations, which experiments or investigations are performed by personnel following guidelines established by the National Institute of Health and the United States Department of Agriculture. Any experiments or scientific investigation and facilities used under this section shall be open to inspection by the board.


Except as specifically provided for in this chapter, no person may intentionally administer poison to any animal which belongs to another, nor intentionally expose any poisonous substance so that it may be taken by an animal which belongs to another. A violation of this section is a Class 1 misdemeanor. This section may not be construed to prevent euthanasia by a licensed veterinarian with proper authority from the animal's owner nor may it prevent acts of euthanasia authorized by this chapter. This section may not be construed to prevent animal control activities conducted by municipalities or counties, separately or through contract with a humane society, in accordance with chapters 36-12 and 34-20B.

S.D. CODIFIED LAWS § 40-1-21 (2010). Killing or injuring animal of another as misdemeanor -- Authorized euthanasia excepted.

No person may intentionally kill any animal of any age or value, the property of another, nor intentionally injure any such animal. A violation of this section is a Class 1 misdemeanor. This section may not be construed to prevent euthanasia by a licensed veterinarian with proper authority from the animal’s owner nor may it prevent acts of euthanasia authorized by this chapter. This section may not be construed to prohibit euthanasia conducted by the municipality or under a municipality’s animal control activities. This section may not be construed to prohibit activities conducted under chapter 40-34.


No person may impound or permit any animal to be in any building, enclosure, lane, street, square, or lot without proper care and attention for more than twelve consecutive hours. This section does not apply to cattle, horses, sheep, swine, or other livestock.

S.D. CODIFIED LAWS § 40-1-33 (2010). Noninterference with veterinarian or accepted agricultural pursuits.

Nothing in this chapter and chapter 40-2 may be construed to interfere with an animal under the direct and proper care of a licensed veterinarian or with persons engaged in standard and accepted agricultural pursuits.
South Dakota Public Records Law


Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts therefrom during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

S.D. CODIFIED LAWS § 1-27-1.5 (2010). Certain records not open to inspection and copying.

The following records are not subject to §§ 1-27-1, 1-27-1.1, and 1-27-1.3:

... (3) Trade secrets, the specific details of bona fide research, applied research, or scholarly or creative artistic projects being conducted at a school, postsecondary institution or laboratory funded in whole or in part by the state, and other proprietary or commercial information which if released would infringe intellectual property rights, give advantage to business competitors, or serve no material public purpose;

South Dakota Harassment Law


No person may maliciously and with the specific intent to intimidate or harass any person or specific group of persons because of that person's or group of persons' race, ethnicity, religion, ancestry, or national origin:

(1) Cause physical injury to another person; or

(2) Deface any real or personal property of another person; or

(3) Damage or destroy any real or personal property of another person; or

(4) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts prohibited in subdivision (1), (2), or (3) of this section will occur.
A violation of this section is a Class 6 felony.

**S.D. CODIFIED LAWS § 49-31-31 (2010). Threatening or harassing contacts by telephone or other electronic communication device as misdemeanor.**

It is a Class 1 misdemeanor for a person to use a telephone or other electronic communication device for any of the following purposes:

(1) To contact another person with intent to terrorize, intimidate, threaten, harass or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act;

(2) To contact another person with intent to threaten to inflict physical harm or injury to any person or property;

(3) To contact another person with intent to extort money or other things of value;

(4) To contact another person with intent to disturb that person by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection.

It is a Class 1 misdemeanor for a person to knowingly permit a telephone or other electronic communication device under his or her control to be used for a purpose prohibited by this section.

Notice: These statutes are provided only for reference purposes and are current through the 2010 legislative session. Every effort has been made to ensure their accuracy, however they will not contain information that has been inserted after their preparation. The National Association for Biomedical Research makes no warranty, express or implied, of the accuracy of these statutes. To be certain of the current version of the statutes and regulations, please refer to the official printed version of the statutes and regulations.