

STATEMENT OF LEGAL ISSUES

I

IS SDCL 22-19A-1(3) UNCONSTITUTIONALLY VAGUE, WHERE IT REQUIRES WILLFUL, MALICIOUS, AND REPEATED HARASSMENT THROUGH A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON, WHICH COURSE OF CONDUCT SERIOUSLY ALARMS, ANNOYS, OR HARASSES THE PERSON; WHICH SERVES NO LEGITIMATE PURPOSE; AND WHICH FURTHER REQUIRES A PATTERN OF CONDUCT COMPOSED OF A SERIES OF ACTS OVER A PERIOD OF TIME EVIDENCING CONTINUITY OF PURPOSE; AND EXCLUDING ANY CONSTITUTIONALLY PROTECTED ACTIVITY?

Trial court held the statute unconstitutionally vague.

II

IS SDCL 22-19A-1(3) UNCONSTITUTIONALLY OVERBROAD WHERE IT REQUIRES WILLFUL, MALICIOUS, AND REPEATED HARASSMENT, THROUGH A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON, WHICH COURSE OF CONDUCT SERIOUSLY ALARMS, ANNOYS OR HARASSES SUCH PERSON, SERVES NO LEGITIMATE PURPOSE, AND MUST BE COMPOSED OF A PATTERN OF CONDUCT, INVOLVING A SERIES OF ACTS OVER A PERIOD OF TIME EVIDENCING A CONTINUITY OF PURPOSE, AND SPECIFICALLY EXCLUDING ANY CONSTITUTIONALLY PROTECTED ACTIVITY?

Trial court held that the statute was unconstitutionally overbroad.