

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

990X0223

## HOUSE BILL NO. 1202

Introduced by: Representatives Stalzer, Anderson, Bartling, Bordeaux, Brunner, Campbell, Craig, DiSanto, Feickert, Haggar (Don), Harrison, Heinemann (Leslie), Kirschman, McCleerey, Peterson (Kent), Qualm, Rasmussen, Ring, Schoenfish, Schrempp, and Zikmund and Senators Peterson (Jim), Fiegen, Haggar (Jenna), Heinert, Hunhoff (Bernie), Monroe, and Otten (Ernie)

1 FOR AN ACT ENTITLED, An Act to provide access to abandoned cemeteries and private  
2 burying grounds.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Any owner of private property on which a cemetery or grave is located shall allow ingress  
6 and egress to the cemetery or grave for purposes of basic lawn care, replacing and repairing of  
7 fences, corrective measures relative to grave markers, and visitation of graves. This right of  
8 access to the cemetery or grave extends for visitation or maintenance during reasonable hours,  
9 after obtaining consent of the landowner. No landowner may unreasonably withhold consent.  
10 The landowner shall designate the route for reasonable access.

11 Section 2. That the code be amended by adding a NEW SECTION to read:

12 A person entering private property to access a cemetery or grave under this Act is liable to  
13 the owner of the property for any damage caused as a result of the person's access.



1 Section 3. That the code be amended by adding a NEW SECTION to read:

2 A person denied reasonable access may bring an action in circuit court, where the property

3 is located, to enjoin the owner of the property from denying the person reasonable ingress and

4 egress to the cemetery or grave.