

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

709Z0776

HOUSE BILL NO. 1249

Introduced by: Representatives Heinemann, Beal, Bordeaux, Conzet, Diedrich, DiSanto, Kaiser, Latterell, Lesmeister, Livermont, May, McCleerey, Peterson (Sue), Pischke, Rasmussen, and Wiese and Senators Youngberg, Heinert, Jensen (Phil), Killer, Nelson, and Stalzer

1 FOR AN ACT ENTITLED, An Act to authorize the training of tribal law officers at the Law
2 Enforcement Training Center.

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

4 Section 1. That § 23-3-15 be amended to read:

5 23-3-15. It shall be the duty of the Division of Criminal Investigation to cooperate with
6 similar divisions, bureaus, or departments of other states, tribal governments, or of the Bureau
7 of Investigation of the Department of Justice in Washington, D.C.

8 Section 2. That § 23-3-18 be amended to read:

9 23-3-18. In order to supplement the provisions of § 23-3-17 the Division of Criminal
10 Investigation is hereby designated as the official agency to coordinate and administer the
11 training of all law enforcement officers ~~and peace officers~~ within this state. By such designation
12 it is not the intention to interfere with or to abolish any intra-department training program
13 sponsored by state, tribal governments, county, or local law enforcement agencies, but rather
14 it is the intention to encourage ~~such~~ intra-departmental training.



1 Section 3. That § 23-3-28 be amended to read:

2 23-3-28. There is hereby created a Law Enforcement Officers Standards Commission in the
3 Office of the Attorney General. This commission shall consist of eleven members, eight of
4 whom shall be appointed by the attorney general as follows: one person from the Division of
5 Highway Patrol; one person who is a duly elected, qualified, and acting sheriff of this state; one
6 person who is a duly appointed, qualified, and acting member of a municipal police department
7 of this state; one member who is ~~an enrolled tribal member~~ and a certified tribal law
8 enforcement officer; one person who is a member of the State Bar of South Dakota; one member
9 recommended by the executive director of the Board of Regents; one member recommended by
10 the South Dakota Municipal League; and one member recommended by the South Dakota
11 County Commissioners Association.

12 The attorney general on the first appointments shall appoint three members for terms of one
13 year and four members for a term of two years; thereafter all appointments shall be for two
14 years. An appointee is eligible to be reappointed.

15 Section 4. That § 23-3-35 be amended to read:

16 23-3-35. In addition to powers conferred upon the Law Enforcement Officers Standards
17 Commission elsewhere in this chapter, the commission may:

- 18 (1) Promulgate rules for the administration of §§ 23-3-26 to 23-3-47, inclusive, including
19 the authority to require the submission of reports and information by law enforcement
20 agencies within this state;
- 21 (2) Establish minimum educational and training standards for admission to employment
22 as a law enforcement officer:
- 23 (a) In permanent positions; and
24 (b) In temporary or probationary status;

- 1 (3) Certify persons as being qualified under the provisions of §§ 23-3-26 to 23-3-47,
2 inclusive, to be law enforcement officers, and by rule to establish criteria and
3 procedure for the revocation or suspension of the certification of officers who have
4 been convicted of a felony or misdemeanor involving moral turpitude, have
5 intentionally falsified any application or document to achieve certification, or have
6 been discharged from employment for cause, or have engaged in conduct
7 unbecoming of a law enforcement officer;
- 8 (4) Establish minimum curriculum requirements for preparatory, in-service, and
9 advanced courses and programs for schools operated by or for the state or any
10 political subdivisions of the state for the specific purpose of training recruits, ~~or~~ other
11 law enforcement officers, or tribal law enforcement;
- 12 (5) Consult and cooperate with counties, municipalities, agencies of this state, tribal
13 governments, other governmental agencies, and with universities, colleges, junior
14 colleges, and other institutions concerning the development of law enforcement
15 training schools and programs or courses of instruction;
- 16 (6) Approve institutions and facilities for school operation by or for the state or any
17 political subdivision of the state for the specific purpose of training law enforcement
18 officers and recruits;
- 19 (7) Make or encourage studies of any aspect of police administration;
- 20 (8) Conduct and stimulate research by public and private agencies which is designed to
21 improve police administration and law enforcement;
- 22 (9) Make recommendations concerning any matter within its purview pursuant to §§ 23-
23 3-26 to 23-3-47, inclusive;
- 24 (10) Make such evaluations as may be necessary to determine if governmental units are

1 complying with the provisions of §§ 23-3-26 to 23-3-47, inclusive;

2 (11) Adopt and amend bylaws, consistent with law, for its internal management and
3 control;

4 (12) Enter into contracts or do such things as may be necessary and incidental to the
5 administration of its authority pursuant to §§ 23-3-26 to 23-3-47, inclusive;

6 (13) License and regulate the activities of private or law enforcement polygraph and
7 computer voice stress analyzer examiners;

8 (14) Certify canine teams; and

9 (15) Establish minimum educational and training standards for newly selected county
10 coroners and advanced training standards for incumbent county coroners;

11 (16) Establish minimum educational and training standards for school sentinels authorized
12 in § 13-64-1.

13 Section 5. That § 23-3-39 be amended to read:

14 23-3-39. The commission shall establish and maintain law enforcement training programs
15 through the tribal governments of the federally recognized Indian tribes and the such agencies
16 and institutions as the commission may deem appropriate.

17 Section 6. That chapter 23-3 be amended by adding a NEW SECTION to read:

18 The term, tribal law enforcement, means law enforcement agencies administered by one of
19 the federally recognized Indian tribes or Bureau of Indian Affairs with land geographically
20 located within the borders of this state.