

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

880V0668

SENATE BILL NO. 148

Introduced by: Senator Jensen and Representative Nelson

1 FOR AN ACT ENTITLED, An Act to ensure that parents may direct the rearing of their
2 children without undue governmental infringement.

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

4 Section 1. The liberty of a parent to direct the upbringing, education, and care of the parent's
5 child is a fundamental right. Neither the state nor any agency or subdivision thereof may infringe
6 this right without demonstrating that its governmental interest as applied to the person is of the
7 highest order and cannot be less intrusively served otherwise.

8 Section 2. The provisions of section 1 of this Act apply to any state or local law or ordinance
9 and the implementation of that law or ordinance, whether statutory or otherwise, and whether
10 enacted, promulgated, or adopted either prior to or after the effective date of this Act. Statutory
11 law enacted after the date of the effective date of this Act is subject to this Act unless such law
12 explicitly excludes such application by reference to this Act.

