An Act to provide protections for the exercise of religious freedom.

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

Section 1. That a NEW SECTION be added:

1-1A-4. Government authority--Limitations related to the exercise of religion.

Notwithstanding any other provision of law, no state agency, political subdivision, or any elected or appointed official or employee of this state or its political subdivisions may:

(1) Substantially burden a person's exercise of religion unless applying the burden to that person's exercise of religion in a particular situation is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling government interest;

(2) Treat religious conduct more restrictively than any secular conduct of reasonably comparable risk; or

(3) Treat religious conduct more restrictively than comparable secular conduct because of alleged economic need or benefit.

This section constitutes a general law of the state within the meaning of S.D. Const., Article IX, § 2 and supersedes any contrary provision in a home rule charter. Any person aggrieved by a violation of this section may file an action for damages, injunctive relief, or other appropriate redress in circuit court, or may assert such violation as a defense in a judicial or administrative proceeding. The plaintiff, if the prevailing party, may also recover reasonable attorney's fees and costs.