



2021 South Dakota Legislature

House Bill 1164

Introduced by: **Representative** Bordeaux

1 **An Act to establish certain provisions related to law enforcement.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **23-3-35.6. Curriculum or training--Certain methods of restraint prohibited.**

5 The law enforcement standards commission may not approve or recommend any
 6 curriculum or training standard that includes the use of chokeholds, carotid restraints, or
 7 any act that impedes the breathing or circulation of blood likely to produce a loss of
 8 consciousness, as a valid method of restraint.

9 **Section 2.** That a NEW SECTION be added:

10 **23-3-39.9. Initial training--Tribal jurisdiction, history, and culture.**

11 The initial training of a law enforcement officer shall include all of the following
 12 topics:
 13 (1) Tribal jurisdiction;
 14 (2) The history of the legal and political relationship between tribal, state, and federal
 15 government;
 16 (3) Cultural customs of the tribal communities within the state; and
 17 (4) Issues of concern to the tribes.

18 **Section 3.** That a NEW SECTION be added:

19 **23-3-74. Database of law enforcement suspensions and revocations.**

20 The law enforcement officers standards commission shall establish a statewide
 21 online database of suspensions and revocations of the certifications of law enforcement
 22 officers in this state by the commission that is accessible by the public. The database shall
 23 indicate:
 24 (1) The name of the officer;

1 (2) The law enforcement unit where the officer was employed; and

2 (3) A description of the facts underlying the suspension or revocation.

3 The commission shall publish the information required by this section ten days after
4 the commission's decision becomes final.

5 **Section 4.** That a NEW SECTION be added:

6 **23-13-18. Prohibited use of force by law enforcement officer.**

7 A law enforcement officer, as defined in § 23-3-27, may not use a chokehold in the
8 performance of the officer's duties unless deadly force is justified. For purposes of this
9 section, chokehold means applying any direct pressure to the throat, windpipe, or airway
10 of another with the intent to reduce or prevent the intake of air. A violation of this section
11 is a Class 5 felony. The law enforcement officers standards commission shall promulgate
12 rules, pursuant to chapter 1-26, to revoke the certification of any officer convicted under
13 this section.