



## 2026 South Dakota Legislature

# House Bill 1025

Introduced by: **Representative Emery**

1 **An Act to authorize the issuance of no-trespass orders by private security officers,**  
 2 **require the establishment of buffer zones per written no-trespass orders, and**  
 3 **afford municipalities greater authority to regulate trespass.**

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

5 **Section 1. That § 22-35-6 be AMENDED:**

6 **22-35-6.** Any ~~person~~ individual who, knowing that ~~he or she~~ the individual is not  
 7 privileged to do so, enters or remains in any ~~place~~ premises where notice against trespass  
 8 is given, is guilty of a Class 2 misdemeanor.

9 Notice may be given by:

- 10 (1) Actual communication to the ~~person~~ individual who subsequently commits the  
 11 trespass;  
 12 (2) Posting in a manner reasonably likely to come to the attention of trespassers; or  
 13 (3) Fencing or other enclosure ~~which~~ that a reasonable person would recognize as  
 14 being designed to exclude trespassers;  
 15 ~~is guilty of a Class 2 misdemeanor.~~

16 ~~However, if such trespasser~~ If the individual defies an order to leave and not return,  
 17 personally communicated to ~~him or her~~ the individual by the owner or lessee of the  
 18 premises or in writing by any other authorized person as provided in section 2 of this Act,  
 19 the trespasser is guilty of criminal trespass, which is a Class 1 misdemeanor.

20 Only a law enforcement officer as defined in § 23-3-27 or 23-3-27.1, or 18 U.S.C.  
 21 § 1515 (September 13, 1994), may arrest an individual for a violation of this section.

22 **Section 2. That a NEW SECTION be added to chapter 22-35:**

23 A written order excluding an individual from a premises pursuant to § 22-35-6  
 24 must include a directive that the individual remain fifty feet or more from the property

1 boundary, unless the individual is transiting a public right-of-way. The written order may  
2 be issued by:

3 (1) A law enforcement officer as defined in § 23-3-27 or 23-3-27.1, or 18 U.S.C.  
4 § 1515 (September 13, 1994); or

5 (2) A uniformed private security officer acting in conformance with any applicable  
6 standards promulgated by the governing body of the political subdivision with  
7 jurisdiction over the premises.

8 The employer of the law enforcement officer or uniformed private security officer  
9 shall maintain a copy of the written order for at least one year after the date of its  
10 issuance.

11 **Section 3. That a NEW SECTION be added to chapter 22-35:**

12 A municipality may enact and enforce ordinances regarding trespass that impose  
13 stricter standards, excepting penalties, than those set forth in this chapter. A municipal  
14 trespass ordinance is deemed supplemental to, not inconsistent with, this chapter.