



2026 South Dakota Legislature

Senate Bill 147

Introduced by: **Senator Davis**

1 **An Act to prohibit a person from refusing to identify oneself in certain circumstances**
 2 **and to provide a penalty therefor.**

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

4 **Section 1. That § 35-9-2.1 be AMENDED:**

5 **35-9-2.1.** Any merchant who is a licensee under this title, or the merchant's
 6 employee, who has reasonable grounds to believe a person under the age of twenty-one
 7 has illegally purchased, attempted to purchase, or possess alcoholic beverages or has
 8 misrepresented the person's age with the use of any document for purposes of purchasing
 9 or attempting to purchase alcoholic beverages from the merchant or the merchant's
 10 employee, may detain the person, on the premises of the merchant's establishment, in a
 11 reasonable manner and for a reasonable length of time:

- 12 (1) To request identification;
- 13 (2) To verify the identification;
- 14 (3) To make reasonable inquiry as to whether the person has violated § 35-9-2;
- 15 (4) To inform a law enforcement officer of the detention of the person and surrender
 16 that person to the custody of a law enforcement officer; or
- 17 (5) In the case of a minor, to inform a law enforcement officer or the parents, guardian,
 18 or other private person interested in the welfare of that minor of this detention and
 19 to surrender custody of the minor to that person.

20 A person detained pursuant to this section may not refuse to verify that person's
 21 identification to the merchant, the merchant's employee, or any law enforcement officer.

22 A violation of this section is a Class 2 misdemeanor.