

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

535B0592

SENATE BILL NO. 127

Introduced by: Senator Wismer and Representative McCleerey

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding the Law Enforcement
2 Officers Certification Commission.

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

4 Section 1. That § 23-3-28 be amended to read:

5 23-3-28. There is hereby created a Law Enforcement Officers Standards Commission in the
6 Office of the Attorney General. ~~This~~ The commission shall consist of eleven members, eight of
7 whom shall be appointed by the attorney general as follows: one person from the Division of
8 Highway Patrol; one person who is a duly elected, qualified, and acting sheriff of this state; one
9 person who is a duly appointed, qualified, and acting member of a municipal police department
10 of this state; one member who is a certified tribal law enforcement officer; one person who is
11 a member of the State Bar of South Dakota; one member recommended by the executive
12 director of the Board of Regents; one member recommended by the South Dakota Municipal
13 League; and one member recommended by the South Dakota County Commissioners
14 Association.

15 At least four members of the commission shall be members of a different political party than



1 the majority of the members. The attorney general on the first appointments shall appoint three
2 members for terms of one year and four members for a term of two years; thereafter all
3 appointments shall be for two years. An appointee is eligible to be reappointed.

4 Section 2. That § 23-3-35 be amended to read:

5 23-3-35. In addition to powers conferred upon the Law Enforcement Officers Standards
6 Commission elsewhere in this chapter, the commission may:

- 7 (1) Promulgate rules for the administration of §§ 23-3-26 to 23-3-47, inclusive, including
8 the authority to require the submission of reports and information by law enforcement
9 agencies within this state;
- 10 (2) Establish minimum educational and training standards for admission to employment
11 as a law enforcement officer:
 - 12 (a) In permanent positions; and
 - 13 (b) In temporary or probationary status;
- 14 (3) Certify persons as being qualified under the provisions of §§ 23-3-26 to 23-3-47,
15 inclusive, to be law enforcement officers; ~~and by rule to establish criteria and~~
16 ~~procedure for the revocation or suspension of the certification of officers who have~~
17 ~~been convicted of a felony or misdemeanor involving moral turpitude, have~~
18 ~~intentionally falsified any application or document to achieve certification, or have~~
19 ~~been discharged from employment for cause, or have engaged in conduct~~
20 ~~unbecoming of a law enforcement officer;~~
- 21 (4) Establish minimum curriculum requirements for preparatory, in-service, and
22 advanced courses and programs for schools operated by or for the state or any
23 political subdivisions of the state for the specific purpose of training recruits, other
24 law enforcement officers, or tribal law enforcement;

- 1 (5) Consult and cooperate with counties, municipalities, agencies of this state, tribal
2 governments, other governmental agencies, and with universities, colleges, junior
3 colleges, and other institutions concerning the development of law enforcement
4 training schools and programs or courses of instruction;
- 5 (6) Approve institutions and facilities for school operation by or for the state or any
6 political subdivision of the state for the specific purpose of training law enforcement
7 officers and recruits;
- 8 (7) Make or encourage studies of any aspect of police administration;
- 9 (8) Conduct and stimulate research by public and private agencies which is designed to
10 improve police administration and law enforcement;
- 11 (9) Make recommendations concerning any matter within its purview pursuant to §§ 23-
12 3-26 to 23-3-47, inclusive;
- 13 (10) Make such evaluations as may be necessary to determine if governmental units are
14 complying with the provisions of §§ 23-3-26 to 23-3-47, inclusive;
- 15 (11) Adopt and amend bylaws, consistent with law, for its internal management and
16 control;
- 17 (12) Enter into contracts or do such things as may be necessary and incidental to the
18 administration of its authority pursuant to §§ 23-3-26 to 23-3-47, inclusive;
- 19 (13) License and regulate the activities of private or law enforcement polygraph and
20 computer voice stress analyzer examiners;
- 21 (14) Certify canine teams; ~~and~~
- 22 (15) Establish minimum educational and training standards for newly selected county
23 coroners and advanced training standards for incumbent county coroners;
- 24 (16) Establish minimum educational and training standards for school sentinels authorized

1 in § 13-64-1; and

2 (17) Establish criteria and the procedure for revocation or suspension of the certification

3 of any officer who has been convicted of a felony or misdemeanor involving moral

4 turpitude, intentionally falsifies any application or document to achieve certification,

5 has been discharged from employment for cause, or has engaged in conduct

6 unbecoming of a law enforcement officer. Notwithstanding § 1-27-1.5, any

7 investigation under this subdivision, including any records considered during the

8 investigation, are public records as defined in § 1-27-1.1.