



2021 South Dakota Legislature

Senate Bill 124

Introduced by: **Senator Schoenbeck**

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

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

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

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

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

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

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

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

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