



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR

KRISTI NOEM | GOVERNOR

March 9, 2023

Dear Mr. President and Members of the Senate,

I respectfully return to you Senate Bill 129 with my VETO. Senate Bill 129 is an Act to include school employees in certain assault provisions and provide a penalty therefor.

Current law provides for enhanced penalties when someone is convicted of simple and/or aggravated assault of law enforcement officers while the officer is engaged in the performance of their official duties. This legislation would provide the same enhanced penalty for the assault of public and/or non-public school employees when engaged in school-related activity.

This veto does not take away from the appreciation I have for our school employees. They carry the great responsibility of educating and caring for our children, and there's no question they deserve a safe working environment. But unlike school employees, the nature of the work and responsibility of law enforcement makes enhanced penalties a necessity to protect the integrity of our institutions, as law enforcement officers are expressly tasked with risking their lives to protect the public.

While anyone who assaults a school employee also needs to be held accountable, our current statute provides that accountability. South Dakota already has a strong and fair criminal justice system, and school districts have robust disciplinary policies tailored to address behavior within their districts. The changes SB 129 makes would open the door for additional occupations to ask for special treatment under the law.

Additionally, this legislation has the potential for unintended consequences. For example, "school-related activities" is broad and could encompass situations that extend beyond the intent of the bill. Consider a personal altercation between two teachers during a school day. Because the incident occurred while the employees were engaged in the school-related activity, this legislation would allow for escalated charges for the guilty party. Situations like this would undermine the bill's intent.

For these reasons, I oppose Senate Bill 129 and ask that you sustain my veto.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kristi Noem".

Kristi Noem
Governor

CC: Hugh Bartels, Speaker of the House
Monae Johnson, Secretary of State