

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

466U0482

## HOUSE EDUCATION ENGROSSED NO. **HB 1087** - 01/25/2013

Introduced by: Representatives Craig, Bolin, Campbell, Ecklund, Gosch, Heinemann (Leslie), Hickey, Kopp, Lust, May, Olson (Betty), Qualm, Schoenfish, Sly, Stalzer, Steele, Verchio, and Wick and Senators Tieszen, Begalka, Bradford, Ewing, Jensen, Kirkeby, Lederman, Maher, Novstrup (Al), Omdahl, and Rhoden

1 FOR AN ACT ENTITLED, An Act to provide for the creation of school sentinel programs and  
2 for the training of school sentinels.

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

4 Section 1. Any school board may create, establish, and supervise the arming of school  
5 employees, hired security personnel, or volunteers in such manner and according to such  
6 protocols as the board, in its sole discretion, may believe to be most likely to secure or enhance  
7 the deterrence of physical threat and defense of the school, its students, its staff, and members  
8 of the public on the school premises against violent attack. Those so authorized shall be referred  
9 to as school sentinels.

10 Section 2. Before any school board may implement any school sentinel program pursuant  
11 to section 1 of this Act, or effect any material changes in the personnel or protocols of the school  
12 sentinel program, the school board shall obtain the approval of the county sheriff who has  
13 jurisdiction over the school premises. Any material changes in the school sentinel program's



1 personnel or protocols shall be reported to all law enforcement agencies with jurisdiction over  
2 the school premises forthwith.

3 Section 3. Any person who acts as a school sentinel, pursuant to section 1 of this Act, shall  
4 first successfully complete a school sentinel training course as defined by the Law Enforcement  
5 Officers Standards Commission pursuant to subdivision 23-3-35(16).

6 Section 4. No school board, in implementing the provisions of section 1 of this Act, may  
7 arm any individual teacher or other school employee without the latter's free, willing, and  
8 voluntary consent. No individual teacher or other school employee may be censured, criticized,  
9 or discriminated against for unwillingness or refusal to carry firearms pursuant to this Act.

10 Section 5. No provision of § 13-32-7 or any other provisions of state statute is effective to  
11 restrict or limit the provisions of this Act. However, nothing in this Act authorizes any person  
12 to carry a concealed weapon without a valid permit.

13 Section 6. The failure or refusal of any school board to implement a school sentinel program  
14 does not constitute a cause of action against the board, the school district, or any of its  
15 employees.

16 Section 7. That § 23-3-35 be amended to read as follows:

17 23-3-35. In addition to powers conferred upon the Law Enforcement Officers Standards  
18 Commission elsewhere in this chapter, the commission may:

19 (1) Promulgate rules for the administration of §§ 23-3-26 to 23-3-47, inclusive, including  
20 the authority to require the submission of reports and information by law enforcement  
21 agencies within this state;

22 (2) Establish minimum educational and training standards for admission to employment  
23 as a law enforcement officer:

24 (a) In permanent positions; and

- 1 (b) In temporary or probationary status;
- 2 (3) Certify persons as being qualified under the provisions of §§ 23-3-26 to 23-3-47,  
3 inclusive, to be law enforcement officers, and by rule to establish criteria and  
4 procedure for the revocation or suspension of the certification of officers who have  
5 been convicted of a felony or misdemeanor involving moral turpitude, have  
6 intentionally falsified any application or document to achieve certification, or have  
7 been discharged from employment for cause, or have engaged in conduct  
8 unbecoming of a law enforcement officer;
- 9 (4) Establish minimum curriculum requirements for preparatory, in- service, and  
10 advanced courses and programs for schools operated by or for the state or any  
11 political subdivisions of the state for the specific purpose of training recruits or other  
12 law enforcement officers;
- 13 (5) Consult and cooperate with counties, municipalities, agencies of this state, other  
14 governmental agencies, and with universities, colleges, junior colleges, and other  
15 institutions concerning the development of law enforcement training schools and  
16 programs or courses of instruction;
- 17 (6) Approve institutions and facilities for school operation by or for the state or any  
18 political subdivision of the state for the specific purpose of training law enforcement  
19 officers and recruits;
- 20 (7) Make or encourage studies of any aspect of police administration;
- 21 (8) Conduct and stimulate research by public and private agencies which is designed to  
22 improve police administration and law enforcement;
- 23 (9) Make recommendations concerning any matter within its purview pursuant to §§ 23-  
24 3-26 to 23-3-47, inclusive;

- 1 (10) Make such evaluations as may be necessary to determine if governmental units are  
2 complying with the provisions of §§ 23-3-26 to 23-3-47, inclusive;
- 3 (11) Adopt and amend bylaws, consistent with law, for its internal management and  
4 control;
- 5 (12) Enter into contracts or do such things as may be necessary and incidental to the  
6 administration of its authority pursuant to §§ 23-3-26 to 23-3-47, inclusive;
- 7 (13) License and regulate the activities of private or law enforcement polygraph and  
8 computer voice stress analyzer examiners;
- 9 (14) Certify canine teams; and
- 10 (15) Establish minimum educational and training standards for newly selected county  
11 coroners and advanced training standards for ~~incumbant~~ incumbent county coroners;
- 12 (16) Establish minimum educational and training standards for school sentinels authorized  
13 in section 1 of this Act.

14 Section 8. That § 13-32-7 be amended to read as follows:

15 13-32-7. Any person, other than a law enforcement officer or school sentinel acting pursuant  
16 to section 1 of this Act, who intentionally carries, has in his possession, stores, keeps, leaves,  
17 places, or puts into the possession of another person, any firearm, or air gun, whether or not the  
18 firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking  
19 purposes, or any dangerous weapon, on or in any elementary or secondary school premises,  
20 vehicle, or building or any premises, vehicle, or building used or leased for elementary or  
21 secondary school functions, whether or not any person is endangered by such actions, is guilty  
22 of a Class 1 misdemeanor. This section does not apply to starting guns while in use at athletic  
23 events, firearms, or air guns at firing ranges, gun shows, and supervised schools or sessions for  
24 training in the use of firearms. This section does not apply to the ceremonial presence of

1 unloaded weapons at color guard ceremonies.

2 Section 9. Any discussion conducted by a school board regarding a school sentinel program  
3 created pursuant to this Act shall be conducted in an executive or closed meeting held in  
4 accordance with § 1-25-2 from which no printed materials or record may be made available to  
5 the public.