



2023 South Dakota Legislature

House Bill 1116

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representative Karr**

1 **An Act to prohibit the use of state resources in hosting lewd or lascivious content.**

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

3 **Section 1. That chapter 13-1 be amended with a NEW SECTION:**

4 No state agency or institution under the control of a state agency, or public school
 5 district may authorize or expend public moneys or use any state-owned facility or property
 6 to develop, implement, facilitate, host, promote, or fund any lewd or lascivious content.

7 For the purpose of this section, the term, lewd or lascivious content, means any
 8 program, or event presenting obscene live conduct, as defined by subdivision 22-24-
 9 27(10) that depicts, describes, or simulates, as applicable:

- 10 (1) Any specific sexual activity, as defined in § 11-12-1;
 11 (2) Any specific anatomical areas, as defined in § 11-12-1;
 12 (3) Nude or seminude adults, as defined in § 11-12-1;
 13 (4) Adults who remove clothing for the entertainment of one or more individuals; or
 14 (5) Any physical human body activity, whether performed alone or with other persons
 15 for the predominant purpose of appealing to a prurient interest.

16 **Section 2. That § 13-53-49 be AMENDED:**

17 **13-53-49.** As Terms used in §§ 13-53-49 to 13-53-53, inclusive, mean:

- 18 (1) "Expressive activity," ~~protected under the provisions of §§ 13-53-49 to 13-53-53,~~
 19 ~~inclusive,~~ includes any lawful noncommercial verbal or written means by which one
 20 person communicates ideas to another, and includes peaceful assembly, protests,
 21 speeches, distribution of literature, the carrying of signs, and the circulation of
 22 petitions. Expressive activity may not be interpreted to include any lewd or
 23 lascivious content, as defined in section 1 of this Act; and
 24 (2) "Intellectual diversity," denotes a learning environment that exposes students to
 25 and encourages exploration of a variety of ideological and political perspectives.

1 Intellectual diversity may not be interpreted to include any lewd or lascivious
2 content, as defined in section 1 of this Act.

3 **Section 3. That § 13-53-50 be AMENDED:**

4 **13-53-50.** The Board of Regents and the Board of Technical Education shall require
5 each institution under its control to maintain a commitment to the principles of free
6 expression and encourage the timely and rational discussion of topics in an environment
7 that is intellectually and ideologically diverse. Neither the Board of Regents nor any
8 institution under its control may attempt to shield individuals from constitutionally
9 protected speech, including ideas and opinions they find offensive, unwise, immoral,
10 indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

11 Nothing in this section prevents the Board of Regents or the Board of Technical
12 Education or any institution under their control from restricting or prohibiting the presence
13 of minors at any program or event.