

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

546B0289

HOUSE ENGROSSED NO. **HB 1172** - 2/14/2019

Introduced by: Representatives Jensen (Kevin), Brunner, Dennert, Frye-Mueller, Goodwin, Hammock, Livermont, and Pischke and Senators Russell and Stalzer

1 FOR AN ACT ENTITLED, An Act to provide for cooperation with federal officials in matters
2 of immigration.

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

4 Section 1. That chapter 6-1 be amended by adding a NEW SECTION to read:

5 No unit of local government as defined in § 6-1-12 may adopt, maintain, or enforce any
6 ordinance, policy, resolution, or similar enactment that prohibits, limits, or discourages a law
7 enforcement officer from communicating or cooperating with any federal agency or official in
8 the enforcement of immigration laws, including making inquiries about the immigration status
9 of a person under arrest.

10 Section 2. That chapter 6-1 be amended by adding a NEW SECTION to read:

11 No unit of local government as defined in § 6-1-12 may adopt, maintain, or enforce any
12 ordinance, policy, resolution, or similar enactment that grants to any person within the
13 jurisdiction of the unit the right to lawful presence or status in violation of state or federal law.

14 Section 3. That § 6-1-12 be amended to read:

15 6-1-12. As used in sections 1 and 2 of this Act and § 6-1-13, a local government unit is any



1 political subdivision of this state including a county, township, municipality, or other unit of
2 government, if the political subdivision provides local government services for residents in a
3 geographically limited area of this state as its primary purpose and has the power to act
4 primarily on behalf of that area.

5 Section 4. That chapter 23-3 be amended by adding a NEW SECTION to read:

6 No state, county, or municipal police department may adopt, enforce, or endorse a policy,
7 pattern, or practice that prohibits, limits, or discourages a law enforcement officer from
8 communicating or cooperating with any federal agency or official in the enforcement of
9 immigration laws, including making inquiries about the immigration status of a person under
10 arrest.