

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

792X0377

HOUSE BILL NO. 1194

Introduced by: Representatives Kirschman, Mickelson, Otten (Herman), Schoenbeck, Verchio, and Zikmund and Senator Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to revise the authority of state's attorneys to take action
2 regarding certain local open government violations.

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

4 Section 1. That § 1-25-6 be amended to read:

5 1-25-6. If a complaint alleging a violation of this chapter is made pursuant to § 23A-2-1, the
6 state's attorney shall take one of the following actions:

7 (1) Prosecute the case pursuant to Title 23A;

8 (2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's
9 attorney shall send a copy of the complaint and any investigation file to the attorney
10 general. The attorney general shall use the information for statistical purposes and
11 may publish abstracts of such information, including the name of the government
12 body involved for purposes of public education; or

13 (3) Send the complaint and any investigation file to the South Dakota Open Meetings
14 Commission for further action.

15 Nothing in this chapter shall be construed to limit a state's attorney's jurisdiction solely to



- 1 a violation of this chapter. A state's attorney may also take action against a violation of a
- 2 municipal or local ordinance similar to this chapter.