

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

297B0517

## HOUSE BILL NO. 1241

Introduced by: Representatives Pourier, Bordeaux, Duba, Healy, Smith (Jamie), and St John  
and Senators Foster, Blare, Heinert, Kennedy, Maher, Nesiba, and Wismer

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding training for human  
2 trafficking prevention.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 The Office of the Attorney General shall establish an educational training program with a  
6 focus on the accurate and prompt identification and reporting of, or response to, suspected  
7 human trafficking. To the extent possible, the department shall authorize the use of existing  
8 training modules and materials. The training shall include the following:

- 9 (1) Human trafficking awareness;
- 10 (2) Recognition of potential victims of human trafficking;
- 11 (3) Identification of activities commonly associated with human trafficking; and
- 12 (4) Effective responses to human trafficking situations, including how to report to law  
13 enforcement.

14 Section 2. That the code be amended by adding a NEW SECTION to read:

15 The proprietor of a lodging establishment shall ensure each onsite employee receives the



1 training described in section 1 of this Act annually. For the purposes of this Act, the term,  
2 proprietor, means an owner, lessee, or manager in charge of a lodging establishment. The  
3 training requirements do not apply to any employee who is under sixteen years of age, unless  
4 the employee cleans guest rooms, or to any employee who works exclusively in a food  
5 establishment or does not have direct contact with transient guests or guest rooms.

6 The proprietor shall include an annual certification that each employee has received the  
7 training in an employee roster or in each employee's personnel file.

8 Section 3. Section 2 of this Act is effective on July 1, 2020.

9 Section 4. That the code be amended by adding a NEW SECTION to read:

10 The Office of the Attorney General shall provide the contact information for any  
11 organization that provides assistance and support services to human trafficking victims to each  
12 proprietor under section 2 of this Act. A proprietor shall make the contact information available  
13 to transient guests or display the contact information at the lodging establishment's check-in  
14 area, lobby, or transient guest services.

15 Section 5. That the code be amended by adding a NEW SECTION to read:

16 A proprietor or employee who acts in good faith is immune from liability in any civil action  
17 for reporting suspected human trafficking activities.

18 Section 6. That the code be amended by adding a NEW SECTION to read:

19 If a proprietor fails to comply with sections 2 or 4 of this Act, the Office of the Attorney  
20 General shall provide written notice to the proprietor of the failure to provide the required  
21 prevention training and give the proprietor ninety days to comply with this Act.

22 A violation of this Act after the ninety days is a Class 2 misdemeanor.

23 Section 7. That the code be amended by adding a NEW SECTION to read:

24 A state's attorney may prosecute any violation of this Act.