



2022 South Dakota Legislature

Senate Bill 168

Introduced by: **Senator Schoenfish**

1 **An Act to provide public access to abandoned cemeteries.**

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

3 **Section 1. That chapter 7-26 be amended with a NEW SECTION:**

4 A person who wishes to access an abandoned cemetery for which there is a public
 5 record of a burial, that is surrounded by privately owned land and has no available means for public
 6 ingress or egress, has the right to reasonable ingress or egress for the purpose of visiting
 7 the cemetery.

8 The right is limited to the purposes of visitation and maintenance during reasonable
 9 hours. The right is only exercisable after obtaining the consent of the landowner, whose
 10 consent may not be unreasonably withheld. The owner of the land surrounding the
 11 cemetery may designate the route for reasonable access. The sheriff of the county in
 12 which the abandoned cemetery is located shall enforce the provisions of this section.

13 **Section 2. That § 7-26-6 be AMENDED:**

14 **7-26-6.** For the purposes of §§ 7-26-7 and section 1 of this Act, the term,
 15 "abandoned cemetery", means a cemetery, in which no burial of a human body has taken
 16 place for five years and which has not been, for a period of five or more years, maintained
 17 by any person, church, religious or benevolent society, or any civic organization.