2025 South Dakota Legislature

House Bill 1211

Introduced by: ***Representative*** *Nolz*

An Act to prohibit the use of a diversity, equity, or inclusion program in a law enforcement agency.

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

Section 1. That a NEW SECTION be added to chapter 23-3:

For the purposes of sections 2 to 5, inclusive, of this Act, the term "diversity, equity, or inclusion program" means any practice or policy that promotes differential or preferential treatment of individuals or classifies individuals on the basis of race, color, religion, sex, ethnicity, or national origin.

Section 2. That a NEW SECTION be added to chapter 23-3:

No law enforcement agency of this state or of any political subdivision thereof may:

(1) Engage in a diversity, equity, or inclusion program;

(2) Require an employee to attend or participate in any training that promotes or provides education related to a diversity, equity, or inclusion program;

(3) Spend public monies on a diversity, equity, or inclusion program;

(4) Spend public monies to acquire services, supplies, information technology, or goods for a diversity, equity, or inclusion program;

(5) Enter into or renew a contract with any entity or organization that promotes or participates in a diversity, equity, or inclusion program;

(6) Accept any public or private monies conditioned on the adoption or implementation of a diversion, equity, or inclusion program;

(7) Establish, support, sustain, or employ an office or individual whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting diversity, equity, or inclusion programs;

(8) Except as required by federal law:

(a) Advance or adopt any policy or procedure designed to influence the composition of the law enforcement agency's workforce on the basis of race, color, religion, sex, ethnicity, or national origin; or

(b) Advance or adopt any policy or procedure designed or implemented on the basis of race, color, religion, sex, ethnicity, or national origin; or

(9) Adopt, implement, or promote any theory of unconscious or implicit bias, cultural appropriation, allyship, transgenderism, microaggressions, group marginalization, anti-racism, systemic oppression, ethnocentrism, structural racism or inequity, social justice, intersectionality, neopronouns, inclusive language, gender identity or theory, or racial or sexual privilege.

This section does not preclude a law enforcement agency from offering training on sexual harassment or operating an office staffed by, or employing, licensed attorneys and legal support staff whose sole purpose is ensuring compliance with federal law or an applicable court order.

Section 3. That a NEW SECTION be added to chapter 23-3:

The attorney general shall investigate any alleged violation of section 2 of this Act and may initiate a civil action on behalf of the state to assess civil penalties. The amount of the civil penalty may not exceed five thousand dollars. The attorney general shall forward any penalty collected under this section to the state treasurer, for deposit in the state general fund.

Upon a finding that a law enforcement agency is in violation of section 2 of this Act, the attorney general shall notify the law enforcement agency and provide thirty days for the law enforcement agency to comply with section 2 of this Act. If, after thirty days, the law enforcement agency remains in violation of section 2 of this Act, the attorney general must suspend any endorsement or licensing of the law enforcement agency until the law enforcement agency complies with section 2 of this Act.

Section 4. That a NEW SECTION be added to chapter 23-3:

Any individual who is required to participate in a diversity, equity, or inclusion program in violation of section 2 of this Act may bring a civil action against the law enforcement agency for damages, court costs, and reasonable attorney fees.

Section 5. That a NEW SECTION be added to chapter 23-3:

Any crime victim who suffers damage as a result of a criminal act that was a direct or proximate result of a diversity, equity, or inclusion program implemented or utilized by a law enforcement agency in violation of section 2 of this Act may bring a civil action against the law enforcement agency for damages, court costs, and reasonable attorney fees.