



2025 South Dakota Legislature

Senate Bill 62

ENROLLED

AN ACT

ENTITLED An Act to establish mandatory reporting requirements related to improper governmental conduct and crime, and to provide a penalty therefor.

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

Section 1. That § 1-56-11 be AMENDED:

1-56-11. A state employee who has reasonable cause to suspect that improper governmental conduct or a crime, as defined in section 2 of this Act, has occurred shall report the matter pursuant to the requirements set forth in chapter 3-6C.

Section 2. That a NEW SECTION be added to chapter 3-6C:

Terms used in this Act mean:

- (1) "Adverse employment action," constructive or actual discharge, suspension from employment, demotion, transfer, decrease in compensation or benefits, imposition of an unfavorable work schedule, or any other similar reprisal or retaliatory action;
- (2) "Conflict of interest," conduct defined or described in §§ 5-18A-17 to 5-18A-17.6, inclusive, 42-7A-27, and 42-7A-28;
- (3) "Crime," a criminal act attempted or committed by misusing a state employee's access, duty, position, or responsibility as a state employee, which constitutes a felony under state law;
- (4) "Good faith report," a report made, without malice, by a reporter, which the reporter has reasonable cause to believe is accurate and true;
- (5) "Improper governmental conduct," any conduct or omission that results in:
 - (a) A conflict of interest prohibited by state law;
 - (b) Fraud; or
 - (c) Theft of moneys or property belonging to or derived from federal, state, or local government sources, constituting a felony;

- (6) "Reasonable cause," a sufficient reason, based on known facts, to assume something is true;
- (7) "Reporter," a state employee who witnesses or has evidence of improper governmental conduct or a crime, and who makes a good faith report of the improper governmental conduct or the crime, to a supervisor or other appropriate authority;
- (8) "Required report," a report required in accordance with section 3 of this Act and pertaining to improper governmental conduct or a crime;
- (9) "State agency," any agency, board, bureau, commission, committee, department, division, or office of this state;
- (10) "State employee," a full-time, part-time, seasonal, or temporary employee of any state agency; and
- (11) "Supervisor," a state employee with supervisory authority over one or more state employees.

Section 3. That a NEW SECTION be added to chapter 3-6C:

A state employee who, in the regular course of the state employee's duties, has reasonable cause to suspect that another state employee has engaged in improper governmental conduct or a crime shall promptly notify a supervisor.

Upon receipt of a reporter's good faith report, a supervisor shall submit information provided by the reporter to the attorney general and auditor-general in a required report pursuant to section 4 of this Act.

The supervisor shall promptly submit to the attorney general and auditor-general any record, as allowed by law, in the supervisor's custody or control, evidencing the improper governmental conduct or crime.

A supervisor who knowingly fails to make a report as required by this section is guilty of a Class 1 misdemeanor.

A supervisor who knowingly and intentionally fails to submit a record as required by this section is guilty of a Class 1 misdemeanor.

Section 4. That a NEW SECTION be added to chapter 3-6C:

A supervisor who must submit a required report pursuant to section 3 of this Act shall prepare the required report in a form prescribed by the attorney general.

The reporter shall cooperate with any investigation or inquiry initiated in response to the filing of the required report.

Nothing in this section may be construed to prohibit the reporter from filing a complaint pursuant to § 3-24-4.

Section 5. That a NEW SECTION be added to chapter 3-6C:

Each state agency shall adopt a written policy on reporting improper governmental conduct and crime and submitting records evidencing the improper governmental conduct or crime. Each state agency shall notify and inform state employees of the obligations and protections set forth in the provisions of sections 1, 3, and 4 of this Act.

Section 6. That a NEW SECTION be added to chapter 3-6C:

The attorney general shall provide information to the Government Operations and Audit Committee, on an annual basis, regarding the number of reports received pursuant to sections 3 and 4 of this Act and the disposition of each report.

An Act to establish mandatory reporting requirements related to improper governmental conduct and crime, and to provide a penalty therefor.

 I certify that the attached Act originated in
 the:
 Senate as Bill No. 62

 Received at this Executive Office
 this _____ day of _____,
 2025 at _____ M.

 Secretary of the Senate

By _____

 for the Governor

 President of the Senate

The attached Act is hereby
 approved this _____ day of
 _____, A.D., 2025

Attest:

 Secretary of the Senate

 Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

 Speaker of the House

Attest:

Filed _____, 2025
 at _____ o'clock ____ M.

 Chief Clerk

 Secretary of State

Senate Bill No. 62
 File No. _____
 Chapter No. _____

By _____

 Asst. Secretary of State