

AN ACT

ENTITLED, An Act to authorize a merchant to detain certain persons who are under legal age and who have illegally purchased, attempted to purchase, or possess alcoholic beverages or tobacco products.

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

Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as follows:

Any merchant who is a licensee under this title, or the merchant's employee, who has reasonable grounds to believe a person under the age of twenty-one has illegally purchased, attempted to purchase, or possess alcoholic beverages or has misrepresented the person's age with the use of any document for purposes of purchasing or attempting to purchase alcoholic beverages from the merchant or the merchant's employee, may detain the person, on the premises of the merchant's establishment, in a reasonable manner and for a reasonable length of time:

- (1) To request identification;
- (2) To verify the identification;
- (3) To make reasonable inquiry as to whether the person has violated § 35-9-2;
- (4) To inform a law enforcement officer of the detention of the person and surrender that person to the custody of a law enforcement officer; or
- (5) In the case of a minor, to inform a law enforcement officer or the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of the minor to that person.

Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as follows:

If a merchant chooses to implement the provisions of section 1 of this Act, the merchant shall conspicuously post a notice, on the merchant's premises, stating that any person who the merchant reasonably believes was under the age of twenty-one and has attempted to purchase alcoholic beverages, will be detained and surrendered to a law enforcement officer.

Section 3. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as follows:

Any merchant who has reasonable grounds to believe that a minor has illegally purchased, attempted to purchase, possess, or consume a tobacco product, in violation of § 34-46-2, may detain the minor, on the premises of the merchant's establishment, in a reasonable manner and for a reasonable length of time:

- (1) To request identification;
- (2) To verify the identification;
- (3) To make reasonable inquiry as to whether the minor has violated § 34-46-2 in any manner;
- (4) To inform a law enforcement officer of the detention of the person and surrender that person to the custody of a law enforcement officer; or
- (5) To inform a law enforcement officer or the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of the minor to that person.

Section 4. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as follows:

If a merchant chooses to implement the provisions of section 3 of this Act, the merchant shall conspicuously post a notice, on the merchant's premises, stating that any person who the merchant reasonably believes was under the age of eighteen, has attempted to purchase tobacco products, will be detained and surrendered to a law enforcement officer.

An Act to authorize a merchant to detain certain persons who are under legal age and who have illegally purchased, attempted to purchase, or possess alcoholic beverages or tobacco products.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1112

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1112
File No. _____
Chapter No. _____

=====

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Ass. Secretary of State