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ARTSSOUTHDAKOTA.ORG



March 6, 2025

TO: South Dakota Senators
FROM: Jim Speirs, Executive Director
RE: HB 1239

Dear South Dakota Senators,

I am reaching out to express concerns regarding the potential repercussions of HB 1239 on museums, art galleries, and cultural institutions across our state. As a South Dakotan, an artist, and an arts advocate, I am concerned about the possible overreach of such legislation. I urge you to consider the long-term, unintended consequences of how it may affect public art institutions and employees.

For example, could employees of the parks department be prosecuted due to the presence of the Statue of David in downtown Sioux Falls? Similarly, would staff at the Washington Pavilion face legal consequences if a student group toured an exhibition featuring works by Cézanne or Picasso? These questions highlight the unintended consequences that could arise, impacting educational and cultural opportunities for our communities.

I urge you to consider these implications and ensure that the bill does not inadvertently harm our state's vibrant arts and cultural institutions. How do we safeguard the arts while addressing the bill's intended goals?

Ultimately, we already have US Federal laws that regulate and clearly define "obscenity." Should anybody, including those connected with a South Dakota state agency or institution under the control of a state agency, develop, implement, facilitate, host, promote or fund "obscene" content are subject to prosecution and penalties? Why do we need additional legislation in South Dakota?

Please consider whether South Dakota needs additional laws. And if we pass HB 1239, at what point will the unintended consequences limit South Dakotans' freedom of expression?

Best Regards,

Jim Speirs
Executive Director

