**2:05:01:02.  Felons to be rejected -- Misdemeanants to be reviewed.** No person may be employed or certified if that person has pled guilty or no contest to, or been convicted of, any offense which could have resulted in incarceration for more than one year. Any person who has pled guilty or no contest to, or been convicted of, an offense with a maximum penalty that could have resulted in incarceration of one year or less remains eligible for employment or certification unless the plea or conviction when considered along with the seriousness of the offense, time elapsed since the offense was committed, the person's conduct since the offense was committed, or other pertinent information indicates that the person should not be hired or certified.

**Source:** 25 SDR 124, effective April 8, 1999; 27 SDR 63, effective January 2, 2001.

**General Authority:** SDCL 34-45-26, 34-45-29.

**Law Implemented:** SDCL 34-45-24, 34-45-29.