**67:14:32:05.05.  Application denied if criminal record check detects certain crimes.** The department shall deny an application and shall notify the applicant of the denial if the criminal record check required under § 67:14:32:11.01 detects a conviction for any of the following:

 (1)  A crime that would indicate harmful behavior towards children;

 (2)  A crime of violence as defined by SDCL 22-1-2 or a similar statute from another state;

 (3)  A sex crime pursuant to SDCL chapters 22-22 or 22-24A or SDCL 22-22A-3 or similar statutes from another state; or

 (4)  Within the preceding five years, a conviction for any other felony.

 **Source:** 17 SDR 157, effective April 23, 1991; 35 SDR 187, effective February 11, 2009.

 **General Authority:** SDCL 26-4-9.1.

 **Law Implemented:** SDCL 26-4-9.1.

 **Cross-References:**

 Required criminal records checks, 42 U.S.C. § 671(a)(20).

 Home study report by licensed child placement agency, Department of Social Services, or certified independent social worker required -- Exception -- Criminal record check and central registry screening to be included -- Violation as misdemeanor, SDCL 25-6-9.1.

 Confidentiality of abuse or neglect information -- Violation as misdemeanor -- Release to certain parties, SDCL 26-8A-13.

 Information from another state's central registry or national crime database to be used only for background check for approval of foster or adoptive placement, SDCL 26-6-14.13.