

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0263

## SENATE ENGROSSED NO. **SB 42** - 2/10/2010

Introduced by: The Committee on Health and Human Services at the request of the  
Department of Social Services

1 FOR AN ACT ENTITLED, An Act to restrict the licensure and prohibit the employment of  
2 certain persons, including persons on the sex offender registry, in certain child welfare  
3 agencies or family day care centers.

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

5 Section 1. That § 26-6-14.11 be amended to read as follows:

6 26-6-14.11. Any person who has been convicted of child abuse pursuant to chapter 26-10;  
7 a sex offense pursuant to chapter 22-22; or, within the preceding five years, any other felony;  
8 or whose name appears on the sex offender registry or on the central registry for child abuse and  
9 neglect is guilty of a Class 1 misdemeanor if such person resides or works or provides care and  
10 supervision of children in any child welfare agency or any registered or unregistered family day  
11 care home. Any person who permits another person to reside or work or provide care and  
12 supervision of children in any child welfare agency or any registered or unregistered family day  
13 care home knowing that the person has been convicted of child abuse pursuant to chapter 26-10;  
14 a sex offense pursuant to chapter 22-22; or, within the preceding five years, any other felony;  
15 or knowing that the person's name appears on the sex offender registry or on the central registry



1 for child abuse and neglect, is guilty of a Class 1 misdemeanor.

2 Section 2. That § 26-6-14.10 be amended to read as follows:

3 26-6-14.10. No person who has been convicted of child abuse pursuant to chapter 26-10;  
4 a sex offense pursuant to chapter 22-22; or, within the preceding five years, any other felony;  
5 and no person whose name appears on the sex offender registry or on the central registry for  
6 child abuse and neglect may:

- 7 (1) Be licensed to operate a child welfare agency pursuant to § 26-6-14;
- 8 (2) Be registered to operate a family day care home pursuant to § 26-6-14.2; or
- 9 (3) Operate an unregistered family day care home as defined in § 26-6-14.8.

10 Any person who has actual knowledge that some other person is violating this section and  
11 who subsequently fails to report such violation to the state's attorney or local law enforcement  
12 is guilty of a Class 1 misdemeanor.