

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

682C0550

HOUSE BILL NO. 1170

Introduced by: Representatives Cutler, Koskan, McNenny, and Weber and Senators Paisley, Duxbury, Rounds, and Symens

1 FOR AN ACT ENTITLED, An Act to require the Division of Criminal Investigation to provide
2 criminal history background checks in certain circumstances.

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

4 Section 1. That chapter 23-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The Division of Criminal Investigation shall, upon the request of any public or private school
7 accredited by the Department of Education and Cultural Affairs providing educational services
8 for elementary and secondary students, obtain and provide criminal history record information,
9 including national criminal information, on any applicant for or holder of the following positions:

- 10 (1) Business manger or any person holding a position of trust within the school;
- 11 (2) School bus driver;
- 12 (3) Any teacher, aide, counselor, faculty member, or any other person having direct
13 contact with children.

14 The request for such information shall be signed by the chair of the school board, the
15 superintendent, or chief officer of the school, and by the person about whom the information is
16 sought. Refusal of employee or applicant for employment of any public or private school to agree

1 to the request for information provided by this section constitutes grounds to deny or terminate
2 employment. The Division of Criminal Investigation may request a fingerprint card be submitted
3 with the request for information.