

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0671

HOUSE BILL NO. 1200

Introduced by: Representatives Michels, Brown (Richard), Davis, Haley, Hennies, Koetzle, Lockner, Lucas, and Peterson and Senators Albers, Brosz, Brown (Arnold), and Symens

1 FOR AN ACT ENTITLED, An Act to require criminal background checks of school employees
2 and to prohibit employment of certain persons in schools.

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

4 Section 1. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Each person hired by a school district shall submit to a criminal background investigation,
7 by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau
8 of Investigation. The school district shall submit completed fingerprint cards to the Division of
9 Criminal Investigation before the prospective new employee enters into service. If no
10 disqualifying record is identified at the state level, the fingerprints shall be forwarded by the
11 Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal
12 history record check. Any person whose employment is subject to the requirements of this
13 section may enter into service on a temporary basis pending receipt of results of the criminal
14 background investigation. The employing school district may, without liability, withdraw its offer
15 of employment or terminate the temporary employment without notice if the report reveals a
16 disqualifying record.

1 Section 2. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 No person may be employed by a school district, either directly or by contract, if the person
4 has been convicted of a crime involving moral turpitude as defined in § 22-1-2.

5 Section 3. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a school district knowingly hires an employee who has been convicted of a crime involving
8 moral turpitude as defined in § 22-1-2, the superintendent or chief administrator is liable for any
9 criminal actions subsequently committed by the employee.

10 Section 4. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 If a school board or governing body of any accredited school dismisses an employee or an
13 employee resigns as a result of a criminal conviction, the superintendent or chief administrator
14 shall, within ten days of the date the employment is severed, report the circumstances and the
15 name of the employee to the Department of Education and Cultural Affairs. Any superintendent
16 or chief administrator who fails to report under this section is subject to sanctions found in § 13-
17 8-48.

18 Section 5. For purposes of this Act, the term, conviction, means a plea or verdict of guilty,
19 a suspended imposition of sentence, or a conviction following a plea of nolo contendere in this
20 state or any other state.