

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

660E0530

HOUSE BILL NO. 1183

Introduced by: Representatives Juhnke, Holbeck, and Jensen and Senators Olson (Ed) and
Diedrich (Larry)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to background checks
2 for school employees.

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

4 Section 1. That § 13-10-12 be amended to read as follows:

5 13-10-12. Each person hired by a school district shall submit to a criminal background
6 investigation, by means of fingerprint checks by the Division of Criminal Investigation and the
7 Federal Bureau of Investigation. The school district shall submit completed fingerprint cards to
8 the Division of Criminal Investigation before the prospective new employee enters into service.
9 If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the
10 Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal
11 history record check. Any person whose employment is subject to the requirements of this
12 section may enter into service on a temporary basis pending receipt of results of the criminal
13 background investigation. The employing school district may, without liability, withdraw its offer
14 of employment or terminate the temporary employment without notice if the report reveals a
15 disqualifying record. ~~Any person whose employment is subject to the requirements of this section~~

1 ~~shall pay any fees charged for the criminal record check. However, the school board or~~
2 ~~governing body may reimburse the person for the fees. The Department of Education and~~
3 ~~Cultural Affairs shall pay any fee charged for a criminal record check performed pursuant to this~~
4 ~~section.~~ Any person hired to officiate, judge, adjudicate, or referee an event conducted under the
5 authority of the South Dakota High School Activities Association is not required to submit to
6 a criminal background investigation as required in this section. Any person whose employment
7 with the school district is for fewer than ten hours per week is not required to submit to a
8 criminal background investigation as required in this section.

9 Section 2. That § 13-10-13 be amended to read as follows:

10 13-10-13. A school district may refuse to employ a person, either directly or by contract,
11 who has been convicted of a crime involving moral turpitude as defined in subdivision
12 22-1-2(25).

13 No person may be employed by a school district, either directly or by contract, if the person
14 has been convicted of a crime of violence as defined in subdivision 22-1-2(9), a sex offense as
15 defined in § 22-22-30, or trafficking in narcotics. However, a school district may employ any
16 such person, except a person convicted of a sex offense, if the most recent conviction occurred
17 more than twelve years before the person is employed.

18 Nothing in this section prohibits a school district from considering any criminal conviction
19 in making a hiring decision.