

AN ACT

ENTITLED, An Act to prohibit certain persons from providing care and supervision for children in child welfare agencies, registered family day care homes, and unregistered family day care homes and to declare an emergency.

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

Section 1. That § 26-6-14.10 be amended to read as follows:

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

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

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

Section 2. That § 26-6-14.11 be amended to read as follows:

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

person's name appears on the central registry for child abuse and neglect, is guilty of a Class 1 misdemeanor.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to prohibit certain persons from providing care and supervision for children in child welfare agencies, registered family day care homes, and unregistered family day care homes and to declare an emergency.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1159

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1159
File No. _____
Chapter No. _____

=====

Received at this Executive Office this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 20__

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State