

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

391J0406

HOUSE BILL NO. 1159

Introduced by: Representatives Cutler, Begalka, Deadrick (Thomas), Garnos, Hackl, Haverly, Konold, Kraus, Thompson, and Weems and Senators Schoenbeck, Dempster, Moore, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from providing care and
2 supervision for children in child welfare agencies, registered family day care homes, and
3 unregistered family day care homes.

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

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

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

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

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

13 26-6-14.11. Any person who has been convicted of child abuse pursuant to chapter 26-10
14 or of a sex offense pursuant to chapter 22-22 or of any felony within the preceding five years
15 or whose name appears on the central registry for child abuse and neglect is guilty of a Class 1



1 misdemeanor if such person:

2 ~~(1) Provides~~ provides care and supervision of children either in a day care center or any
3 family day care home; ~~or~~

4 ~~(2) Permits another person knowing that person has been convicted of child abuse~~
5 ~~pursuant to chapter 26-10 or a sex offense pursuant to chapter 22-22 or whose name~~
6 ~~appears on the central registry for child abuse and neglect to reside or work on the~~
7 ~~premises of a day care center or any family day care home. Any person who has~~
8 ~~actual knowledge that some other person is violating section 1 of this Act and who~~
9 ~~subsequently fails to report such violation to the state's attorney or local law~~
10 ~~enforcement is guilty of a Class 2 misdemeanor.~~