

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

795J0643

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 95** - 02/13/2004

Introduced by: Senators Schoenbeck, Abdallah, and Albers and Representatives Hennies and Buckingham

1 FOR AN ACT ENTITLED, An Act to permit the Law Enforcement Officers Standards
2 Commission to refuse certain applications based on juvenile adjudications and dispositions
3 and to provide for access to certain juvenile adjudications and dispositions by the
4 commission.

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

6 Section 1. That § 23-3-42 be amended to read as follows:

7 23-3-42. In addition to the requirements of § 23-3-41, the commission, by rules ~~and~~
8 ~~regulations promulgated pursuant to chapter 1-26~~, shall fix other qualifications for the
9 employment and training of appointed law enforcement officers, including minimum age,
10 education, physical and mental standards, citizenship, good moral character, experience, and
11 such other matters as relate to the competence and reliability of persons to assume and discharge
12 the various responsibilities of law enforcement officers, ~~and the~~. The commission shall also
13 prescribe the means for presenting evidence of fulfillment of these requirements.
14 Notwithstanding §§ 23A-27-14 and 23A-27-17, a any person seeking certification as a law
15 enforcement officer who has received an order pursuant to § 23A-27-13 may have his or her



1 application refused or certification revoked. Notwithstanding §§ 26-7A-105 and 26-7A-106, any
2 person seeking certification as a law enforcement officer who has received an adjudication or
3 disposition pursuant to chapter 26-7A or 26-8C may have his or her application refused if the
4 adjudication or disposition was for a crime which, if committed by an adult, would constitute
5 a crime under chapter 22-42 that is punishable as a felony, a sex crime as defined in § 22-22-30,
6 or a crime of violence as defined in subdivision 22-1-2(9).

7 Section 2. The Unified Judicial System shall provide such access about any adjudication or
8 disposition pursuant to chapter 26-7A or 26-8C to the Law Enforcement Officers Standards
9 Commission as may be necessary to effectuate the purposes of section 1 of this Act.