

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

619L0609

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1227 - 02/03/2005

Introduced by: Representatives Bradford, Sigdestad, Valandra, and Van Norman and
Senators Hanson (Gary) and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the hiring by school
2 districts of persons convicted of felony drug distribution.

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

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

5 13-10-13. A school district may refuse to employ a person, either directly or by contract,
6 who has been convicted of a crime involving moral turpitude as defined in subdivision 22-1-
7 2(25).

8 No person may be employed by a school district, either directly or by contract, if the person
9 has been convicted of a crime of violence as defined in subdivision 22-1-2(9), or a sex offense,
10 as defined in § 22-22-30, ~~or trafficking in narcotics.~~

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

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

15 No person may be employed by a school district, either directly or by contract, if the person



1 has been convicted of felony distribution of drugs. However, the prohibition provided for in this
2 section does not apply if:

3 (1) The person has been pardoned pursuant to chapter 24-13; or

4 (2) Seven years have elapsed since the person was released from custody and the person
5 has not subsequently been convicted of a crime involving moral turpitude, as defined
6 in subdivision 22-1-2(25).