

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

337M0182

## HOUSE BILL NO. 1094

Introduced by: Representatives Cutler, Gillespie, Krebs, O'Brien, Rave, Rounds, Tornow, Weems, Wick, and Willadsen and Senators Knudson, Abdallah, Broderick, Dempster, Gray, Kelly, Koskan, McCracken, Moore, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to clarify a custodian's access to certain sealed records.

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

3 Section 1. That § 26-7A-116 be amended to read as follows:

4 26-7A-116. If the court orders the sealing of the records and files pursuant to § 26-7A-113,  
5 26-7A-114, or 26-7A-115, copies of the sealing order shall be sent to each agency or official  
6 named in the order. Subsequent inspection of the sealed records may thereafter be permitted by  
7 the court only on petition by the child who is the subject of the record, the state's attorney, or  
8 court services officers. The court may permit inspection of the sealed records and files for use  
9 by the court in other actions or proceedings under this chapter or chapter 26-8C and for  
10 subsequent criminal proceedings for sentencing purposes. Nothing in this chapter prohibits the  
11 custodian of records or files from inspecting or accessing the custodian's records or files as may  
12 be necessary for the discharge of the custodian's official duties in the absence of an order from  
13 the court.

