

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0258

SENATE BILL NO. 44

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to require the conduct of criminal background checks for
2 certain persons employed by the Division of Banking.

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

4 Section 1. That § 51A-2-6 be amended to read as follows:

5 51A-2-6. The division may employ such examiners and special examiners, legal counsel,
6 clerks, stenographers and such other aides as it may deem necessary to assist the director in the
7 performance of his duties. The division shall fix the compensation of each employee and may
8 dismiss any employee not subject to the provisions of chapter 3-6A at will.

9 Each person hired by the Division of Banking, in any capacity, shall agree to submit to a
10 background investigation, by means of fingerprint checks by the Division of Criminal
11 Investigation and the Federal Bureau of Investigation. The division shall submit completed
12 fingerprint cards to the Division of Criminal Investigation before the prospective new employee
13 enters into service. If no disqualifying record is identified at the state level, the fingerprints shall
14 be forwarded by the Division of Criminal Investigation to the Federal Bureau of Investigation
15 for a national criminal history record check. Any person whose employment is subject to the



1 requirements of this section may enter into service on a temporary basis pending receipt of
2 results from the background investigation. The division may, without liability, withdraw its offer
3 of employment or terminate the temporary employment without notice if the report reveals that
4 the person has been convicted of any financial crime, or any crime that otherwise reveals
5 circumstances that reasonably suggest that the person should not be employed by the division.