

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

536P0569

## SENATE BILL NO. 160

Introduced by: Senators Jerstad, Abdallah, Hoerth, Katus, McCracken, and Olson (Ed) and  
Representatives Halverson, Burg, Gilson, Sigdestad, Thompson, Van  
Norman, and Willadsen

1 FOR AN ACT ENTITLED, An Act to require the Unified Judicial System to provide internet  
2 access to certain criminal history information.

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

4 Section 1. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The Unified Judicial System shall establish and maintain an internet website containing  
7 public criminal history information by July 1, 2010. Notwithstanding the provisions of §§ 16-2-  
8 29, 16-2-29.5, and 23-5-13, the Unified Judicial System may, by rules promulgated pursuant  
9 to chapter 1-26, establish a fee for accessing the information at this website. The fee may not  
10 exceed five dollars per inquiry or the amount needed to recoup the actual cost of implementing  
11 and providing information at this website, whichever is less.

12 Section 2. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 For the purposes of this Act, the term, public criminal history information, means criminal



1 history information as defined by § 23-5-10 compiled by the Unified Judicial System and the  
2 Office of the Attorney General. The term does not include any confidential criminal justice  
3 information as defined by § 23-5-10.

4 Section 3. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The website shall include a notice to any person the subject of the information of the right  
7 to contest the accuracy or completeness of the information and provide a telephone number and  
8 address that the person may contact for further information on the process.

9 Section 4. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 The website shall include the effective date of the information that is posted.

12 Section 5. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 The website shall include a description of the types of confidential criminal history  
15 information not available on the website.

16 Section 6. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 Any person who intends to access the website to obtain information regarding an applicant  
19 for employment, housing, or credit shall disclose to the applicant the intention to do so. The  
20 website shall include a notice that a person obtaining such access shall notify the applicant when  
21 a background check using the website has been conducted.