



## 2022 South Dakota Legislature

# House Bill 1107

*Introduced by: The Committee on Judiciary at the request of the Chief Justice*

1 **An Act to establish a process for requesting records prepared or maintained by court**  
 2 **services officers.**

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

4 **Section 1. That § 23A-27-47 be AMENDED:**

5 **23A-27-47.** Records prepared or maintained by court services officers are  
 6 confidential. However, such records may be inspected by, or disclosed to, justices, judges,  
 7 magistrates, and employees of the Unified Judicial System in the course of their duties  
 8 and to persons specifically authorized by order of the court. The court may order that the  
 9 records be provided to a person on its own motion. Records received by a person pursuant  
 10 to court order must be held confidential by the receiving party unless otherwise authorized  
 11 by the court.

12 **Section 2. That chapter 23A-27 be amended with a NEW SECTION:**

13 If, in connection with a judicial proceeding, a person not authorized by court order  
 14 pursuant to § 23A-27-47 seeks confidential records prepared or maintained by a court  
 15 services officer or testimony from a court services officer on the records, the person must  
 16 file a motion with the court. The motion must state the issue to which the records or  
 17 testimony is relevant, how the records or testimony is admissible, and the reason why the  
 18 records or testimony cannot be obtained elsewhere. The motion must be served on the  
 19 parties and the court services officer who prepared or maintained the records or whose  
 20 testimony is being sought. The court shall set a hearing on the motion. The moving party  
 21 shall comply with § 23A-41-4.