



## 2026 South Dakota Legislature

# House Bill 1175

Introduced by: **Representative Pourier**

1 **An Act to revise provisions related to Division of Criminal Investigation cooperation**  
 2 **with Indian tribes.**

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

4 **Section 1. That § 23-3-15.1 be AMENDED:**

5 **23-3-15.1.** The Division of Criminal Investigation may, upon the request of ~~the~~  
 6 ~~Sisseton Wahpeton Sioux Tribe~~ any Indian tribe, obtain national criminal history record  
 7 information on any applicant for or holder of a position individual seeking to be or currently  
 8 serving:

- 9 (1) As a member of the tribal council or a district council;
- 10 (2) As judge of the tribal court;
- 11 (3) On a tribal commissions and boards board or commission;
- 12 (4) ~~A~~ As a tribal conservation officer;
- 13 (5) As an executive officer of a tribal commercial enterprise;
- 14 (6) As a faculty member or administrator of any tribal educational institution or  
 15 program;
- 16 (7) With tribal child protection and youth program responsibilities, to the extent that  
 17 ~~such~~ the criminal history record information is not available through the Bureau of  
 18 Indian Affairs by means of the Indian Child Protection and Family Violence Act;
- 19 (8) ~~To work~~ In a position working with tribal juvenile delinquents and offenders;
- 20 (9) As a tribal gaming licensee for whom criminal history background screening is not  
 21 available through the National Indian Gaming Commission; and
- 22 (10) As a tribal foster parent or prospective adoptive parent.

23 **Section 2. That § 23-3-15.2 be AMENDED:**

24 **23-3-15.2.** In order to determine the suitability of any applicant for or holder of a  
 25 position listed in § 23-3-15.1, the ~~Sisseton Wahpeton Sioux Tribe~~ shall require a

1 ~~background investigation, by means of fingerprint checks by the Division of Criminal~~  
2 ~~Investigation and the Federal Bureau of Investigation, of each requesting Indian tribe shall~~  
3 ~~submit the completed fingerprint cards of the~~ applicant or position holder. ~~The tribe shall~~  
4 ~~submit completed fingerprint cards~~ to the Division of Criminal Investigation. ~~If no~~  
5 ~~disqualifying record is identified at the state level, the fingerprints shall be forwarded by~~  
6 ~~the Division of Criminal Investigation to the Federal Bureau of Investigation~~ for a national  
7 criminal history record check. The tribe, or, if required by the tribe, the applicant or  
8 position holder ~~shall~~, must pay all processing fees required either by the Division of  
9 Criminal Investigation or the Federal Bureau of Investigation.