

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

195Y0339

## SENATE STATE AFFAIRS ENGROSSED NO. **SB 101** - 2/6/2017

Introduced by: Senators Monroe, Jensen (Phil), Maher, Otten (Ernie), and Youngberg and  
Representatives Kaiser, Duvall, Glanzer, Otten (Herman), and Rounds

1 FOR AN ACT ENTITLED, An Act to provide for the release of certain military records.

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

3 Section 1. That § 33A-1-21 be amended to read:

4 33A-1-21. The contents of, and all files, records, reports, papers, and documents pertaining  
5 to, any claim for the benefits of this chapter, or chapters 33A-2 to 33A-5, inclusive, whether  
6 pending or adjudicated, are confidential and privileged except to the veteran, a veteran's  
7 dependents or their duly authorized agents. A veteran's military records are available to the  
8 public for research purposes beginning on one of the following dates, whichever date occurs  
9 later:

10 (1) The date sixty-two years after the date the veteran separated from the military; or

11 (2) The date sixty-two years after the document date of any record pertaining to military  
12 or potential military service.

13 However, investigatory material compiled solely for the purpose of determining suitability,  
14 eligibility, or qualifications for the benefits of this chapter, or chapters 33A-2 to 33A-5,



1 inclusive, are exempt from release to the extent that the disclosure of the material would reveal  
2 the identity of the source who furnished information to the department under an express promise  
3 that the identity of the source would be held in confidence, or, prior to July 1, 1985, under an  
4 implied promise that the identity of the source would be held in confidence.