

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0282

SENATE BILL NO. 31

Introduced by: The Committee on Health and Human Services at the request of the
Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding criminal background
2 checks for assistant behavior analysts and paraprofessionals.

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

4 Section 1. That § 36-38-25 be amended to read:

5 36-38-25. Any assistant behavior analyst or paraprofessional who delivers applied behavior
6 analysis services under the extended authority and direction of a behavior analyst shall submit
7 to a criminal background investigation, by means of fingerprint checks by the Division of
8 Criminal Investigation ~~and the Federal Bureau of Investigation. If no disqualifying record is~~
9 ~~identified at the state level, the fingerprints shall be forwarded by the Division of Criminal~~
10 ~~Investigation to the Federal Bureau of Investigation for a national criminal history check.~~ The
11 behavior analyst who supervises the assistant behavior analyst or paraprofessional is responsible
12 for any fees charged for the cost of fingerprinting or the criminal background investigation as
13 required by this section. Each criminal record provided to the board under this section is
14 confidential. The board may use the records only in determining an assistant behavior analyst's
15 or paraprofessional's eligibility to be supervised by an applied behavior analyst for the delivery



1 of applied behavior analysis.