

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0355

HOUSE JUDICIARY ENGROSSED NO. **HB 1029** 1/25/2019

Introduced by: The Committee on Judiciary 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 adults working in child care institutions.

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

4 Section 1. That § 26-6-14.4 be amended to read:

5 26-6-14.4. In addition to the applicant, §§ 26-6-14.3 to 26-6-14.7, inclusive, shall be
6 applicable to the criminal convictions conviction of the following persons:

7 (1) Adults responsible for administration or direct supervision of staff;

8 (2) Any adult residing in the facility;

9 (3) Any adult, including a volunteer, who provides care and supervision to the children;

10 and

11 (4) Any adult working in a child care institution, including a group home, residential
12 treatment center, intensive residential treatment center, or shelter care facility. A
13 child care institution does not include a day care center, group family day care home,
14 or a before and after school day care program.



1 ~~However, §§ 26-6-14.3 to 26-6-14.7, inclusive, do not apply to adult volunteers or adult staff~~
2 ~~employed by the applicant on an intermittent basis for less than ten days per month, if such~~
3 ~~adults are under constant supervision by adults who meet the requirements of §§ 26-6-14.3 to~~
4 ~~26-6-14.7, inclusive.~~

5 Section 2. That § 26-6-14.13 be amended to read:

6 26-6-14.13. Information obtained from another state's child abuse and neglect central
7 registry or from the national crime information databases for the purpose of conducting a
8 background check under § 26-6-14.5 or for approval of a foster or adoptive placement may be
9 used for purposes related to conducting the background check only and ~~cannot~~ may not be
10 released except as authorized by law.