



2020 South Dakota Legislature

House Bill 1212

Introduced by: **Representative Healy**

1 **An Act to add certain persons to the list of mandatory reporters of suspected child**
 2 **abuse or neglect.**

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

4 **Section 1.** That § 26-8A-3 be AMENDED:

5 **26-8A-3. Required reporting--Intentional failure as misdemeanor.**

6 Any physician, dentist, doctor of osteopathy, chiropractor, optometrist, emergency
 7 medical technician, paramedic, mental health professional or counselor, podiatrist,
 8 psychologist, dental hygienist, member of the clergy, religious healing practitioner, social
 9 worker, hospital intern or resident, parole or court services officer, law enforcement
 10 officer, teacher, school counselor, school official, nurse, licensed or registered child welfare
 11 provider, employee or volunteer of a domestic abuse shelter, employee or volunteer of a
 12 child advocacy organization or child welfare service provider, chemical dependency
 13 counselor, coroner, or any safety-sensitive position as defined in § 3-6C-1, who has
 14 reasonable cause to suspect that a child under the age of eighteen has been abused or
 15 neglected as defined in § 26-8A-2 shall report that information in accordance with §§ 26-
 16 8A-6, 26-8A-7, and 26-8A-8. Any person who intentionally fails to make the required
 17 report is guilty of a Class 1 misdemeanor. Any person who knows or has reason to suspect
 18 that a child has been abused or neglected as defined in § 26-8A-2 may report that
 19 information as provided in § 26-8A-8.

20 **Section 2.** That § 26-8A-15 be AMENDED:

21 **26-8A-15. Communications not privileged.**

22 The privilege of confidentiality set forth in §§ 19-2-3, 19-19-503, 19-19-504, 19-
 23 19-505, 19-19-508.1, and 36-26-30 may not be claimed in any judicial proceeding
 24 involving an alleged abused or neglected child or resulting from the giving or causing the

1 giving of a report concerning abuse or neglect of a child pursuant to §§ 26-8A-3 to 26-
2 8A-8, inclusive.

3 **Section 3.** This Act shall go into effect January 1, 2021.