

AN ACT

ENTITLED, An Act to permit the Division of Criminal Investigation to process national criminal history checks on applicants for employment with and licensing by the Sisseton-Wahpeton Sioux Tribe.

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

Section 1. The Division of Criminal Investigation may, upon the request of the Sisseton-Wahpeton Sioux Tribe, obtain national criminal history record information on any applicant for or holder of a position:

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

Section 2. In order to determine the suitability of any applicant for or holder of a position listed in section 1 of this Act, the Sisseton-Wahpeton Sioux Tribe shall require a background investigation, by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation, of each applicant or position holder. The tribe shall submit completed fingerprint cards

to the Division of Criminal Investigation. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal history record check. The tribe, or, if required by the tribe, the applicant or position holder shall pay all processing fees required either by the Division of Criminal Investigation or the Federal Bureau of Investigation.

Section 3. The information obtained from the state or national criminal history record check conducted pursuant to this Act may be exchanged with and used by the tribe to determine the applicant's eligibility to hold a position specified in section 1 of this Act.

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I certify that the attached Act
originated in the

SENATE as Bill No. 134

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 134
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State