

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

770B0701

## SENATE BILL NO. 134

Introduced by: Senators Halverson and Symens and Representatives Jaspers and Gleason

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

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

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

- 8 (1) As a member of the tribal council or a district council;
- 9 (2) As judge of the tribal court;
- 10 (3) On tribal commissions and boards;
- 11 (4) A tribal conservation officer;
- 12 (5) In the top management of tribal commercial enterprises;
- 13 (6) As a faculty member or administrator of any tribal educational institution or program;
- 14 (7) With tribal child protection and youth program responsibilities;
- 15 (8) To work with tribal juvenile delinquents and offenders;
- 16 (9) As a tribal gaming licensee for whom criminal history background screening is not

1           available through the National Indian Gaming Commission; and

2           (10) As a tribal foster parent or prospective adoptive parent.

3           Section 2. In order to determine the suitability of any applicant for or holder of a position,  
4 the Sisseton-Wahpeton Sioux Tribe shall require a background investigation, by means of  
5 fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of  
6 Investigation, of each applicant or position holder. The tribe shall submit completed fingerprint  
7 cards to the Division of Criminal Investigation. If no disqualifying record is identified at the state  
8 level, the fingerprints shall be forwarded by the Division of Criminal Investigation to the Federal  
9 Bureau of Investigation for a national criminal history record check. The tribe, or, if required by  
10 the tribe, the applicant shall pay all processing fees required either by the Division of Criminal  
11 Investigation or the Federal Bureau of Investigation.

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