

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

770B0701

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB134** - 1/29/98

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) As an executive officer of a tribal commercial enterprise;

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, to the extent that such
15 criminal history record information is not available through the Bureau of Indian

1 Affairs by means of the Indian Child Protection and Family Violence Act;

2 (8) To work with tribal juvenile delinquents and offenders;

3 (9) As a tribal gaming licensee for whom criminal history background screening is not
4 available through the National Indian Gaming Commission; and

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

6 Section 2. In order to determine the suitability of any applicant for or holder of a position
7 listed in section 1 of this Act, the Sisseton-Wahpeton Sioux Tribe shall require a background
8 investigation, by means of fingerprint checks by the Division of Criminal Investigation and the
9 Federal Bureau of Investigation, of each applicant or position holder. The tribe shall submit
10 completed fingerprint cards to the Division of Criminal Investigation. If no disqualifying record
11 is identified at the state level, the fingerprints shall be forwarded by the Division of Criminal
12 Investigation to the Federal Bureau of Investigation for a national criminal history record check.
13 The tribe, or, if required by the tribe, the applicant or position holder shall pay all processing fees
14 required either by the Division of Criminal Investigation or the Federal Bureau of Investigation.

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

1 **BILL HISTORY**

2 1/21/98 First read in Senate and referred to Judiciary. S.J. 139

3 1/28/98 Scheduled for Committee hearing on this date.

4 1/28/98 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 228

5 1/28/98 Judiciary Place on Consent Calendar.