

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

195Y0339

SENATE BILL NO. 101

Introduced by: Senators Monroe, Jensen (Phil), Maher, Otten (Ernie), and Youngberg and
Representatives Kaiser, Duvall, Glanzer, Otten (Herman), and Rounds

1 FOR AN ACT ENTITLED, An Act to provide for the release of certain military records of
2 deceased veterans.

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

4 Section 1. That § 33A-1-21 be amended to read:

5 33A-1-21. The contents of, and all files, records, reports, papers, and documents pertaining
6 to, any claim for the benefits of this chapter, or chapters 33A-2 to 33A-5, inclusive, whether
7 pending or adjudicated, are confidential and privileged except to the veteran, a veteran's
8 dependents or their duly authorized agents. Any deceased veteran's military records that are at
9 least seventy-two years old are available to the public for research purposes and to the veteran's
10 family members. However, investigatory material compiled solely for the purpose of
11 determining suitability, eligibility, or qualifications for the benefits of this chapter, or chapters
12 33A-2 to 33A-5, inclusive, are exempt from release to the extent that the disclosure of the
13 material would reveal the identity of the source who furnished information to the department
14 under an express promise that the identity of the source would be held in confidence, or, prior
15 to July 1, 1985, under an implied promise that the identity of the source would be held in



1 confidence.