State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, **2019**

400B0355

HOUSE BILL NO. 1029

Introduced by: The Committee on Judiciary at the request of the Department of Social
Services

1   FOR AN ACT ENTITLED, An Act to revise certain provisions regarding criminal background

2   checks for adults working in child care institutions.

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

4   Section 1. That § 26-6-14.4 be amended to read:

5   26-6-14.4. In addition to the applicant, §§ 26-6-14.3 to 26-6-14.7, inclusive, shall be

6   applicable to the criminal ~~convictions~~ conviction of ~~the following persons:~~

7   ~~   (1)   Adults responsible for administration or direct supervision of staff;~~

8   ~~   (2)   Any adult residing in the facility;~~

9   ~~   (3)   Any adult, including a volunteer, who provides care and supervision to the children.~~

10   ~~   However, §§ 26-6-14.3 to 26-6-14.7, inclusive, do not apply to adult volunteers or adult staff~~

11   ~~employed by the applicant on an intermittent basis for less than ten days per month, if such~~

12   ~~adults are under constant supervision by adults who meet the requirements of §§ 26-6-14.3 to~~

13   ~~26-6-14.7, inclusive~~ any adult working in a child care institution, including a group home,

14   residential treatment center, intensive residential treatment center, or shelter care facility.

15   Section 2. That § 26-6-14.13 be amended to read:

1   26-6-14.13. Information obtained from another state's child abuse and neglect central

2   registry or from the national crime information databases for the purpose of conducting a

3   background check under § 26-6-14.5 or for approval of a foster or adoptive placement may be

4   used for purposes related to conducting the background check only and ~~cannot~~ may not be

5   released except as authorized by law.