

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

299B0488

SENATE ENGROSSED NO. **HB 1155** - 3/5/2019

Introduced by: Representatives Borglum, Chase, Diedrich, Finck, Hunhoff, Johns, Johnson (David), and Peterson (Kent) and Senators Solano, Cronin, Rusch, Smith (VJ), and Sohlt

1 FOR AN ACT ENTITLED, An Act to provide for certain privileged communications between
2 social workers and students.

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

4 Section 1. That § 19-19-508.1 be amended to read:

5 19-19-508.1. No counselor or school psychologist, certificated in accordance with the
6 certification regulations of the South Dakota Board of Education Standards, or social worker
7 licensed under chapter 36-26 and regularly employed as a counselor ~~or~~, school psychologist, or
8 social worker for a private or public elementary or secondary school or school system in the
9 State of South Dakota, may divulge to any other person, or be examined concerning any
10 information or communication given to the counselor ~~or~~, school psychologist, or social worker
11 in the counselor's ~~or~~, school psychologist's, or social worker's official capacity by a student
12 unless:

13 (1) This privilege is waived in writing by the student; or

14 (2) The information or communication was made to the counselor ~~or~~, school



1 psychologist, or social worker for the express purpose of being communicated or of
2 being made public; or

3 (3) The counselor ~~or~~, school psychologist, or social worker has reason to suspect, as a
4 result of that information or communication, that the student or some other persons
5 have been subjected to child abuse or that the student's physical or mental health or
6 the physical or mental health of other persons may be in jeopardy.