

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

500H0314

HOUSE BILL NO. 1070

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to provide for the confidentiality of certain personal
2 information about justices and judges in South Dakota.

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

4 Section 1. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding any other provision of law, the home addresses and telephone numbers of
7 any judge of the United States Courts of Appeals or District Courts; the home addresses and
8 telephone numbers of any justice of the Supreme Court, circuit court judge, or magistrate judge;
9 the home addresses, telephone numbers, and places of employment of any spouse or child of
10 such judge or justice; and the names and locations of schools and day care facilities attended by
11 any child of such judge or justice are confidential and exempt from the provisions of any open
12 record laws.

13 Section 2. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Any officer or public employee having custody of any personal information specified in



1 section 1 of this Act shall maintain the confidentiality of the personal information only if the
2 justice or judge submits a written request for confidentiality to the custodial officer or public
3 employee. Any officer or public employee having custody of a public record to which the
4 exemption provided in section 1 of this Act applies shall delete or excise from the record only
5 that portion of the record with respect to which an exemption has been asserted and validly
6 applies. Such officer or public servant shall produce the remainder of the record for any
7 inspection and examination that might otherwise be required by law.