



## 2020 South Dakota Legislature

# House Bill 1185

Introduced by: **Representative** Bordeaux

1 **An Act to limit public employer consideration of certain criminal backgrounds.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **3-6C-27. Public employment--Consideration of criminal record--Public**  
 5 **employer defined.**

6 A public employer may not inquire into or consider the criminal record or criminal  
 7 history of an applicant for public employment until the applicant has been selected for an  
 8 interview by the employer.

9 This section does not apply to the Department of Corrections or to a public  
 10 employer that has a statutory duty to conduct a criminal history background check or  
 11 otherwise take into consideration a potential employee's criminal history during the hiring  
 12 process. This section does not prohibit a public employer from notifying an applicant that  
 13 law or the employer's policy will disqualify an applicant with a particular criminal history  
 14 background from employment in particular positions.

15 As used in this section, the term, public employer, means the state or a political  
 16 subdivision. The term does not include a school district.