

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0314

SENATE HEALTH AND HUMAN SERVICES ENGROSSED NO. **SB 6** - 1/20/2012

Introduced by: The Committee on Health and Human Services at the request of the Bureau
of Personnel

1 FOR AN ACT ENTITLED, An Act to authorize criminal background checks for various state
2 employees.

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

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

6 Each person hired as an employee whose primary duty includes patient care or supervision
7 at the Human Services Center shall submit to a criminal background investigation, by means
8 of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of
9 Investigation. The Human Services Center shall submit completed fingerprint cards to the
10 Division of Criminal Investigation before the prospective new employee enters into service. If
11 no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the
12 Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal
13 history record check. Any person whose employment is subject to the requirements of this
14 section may enter into service on a temporary basis pending receipt of results of the criminal



1 background investigation. The Human Services Center may, without liability, withdraw its offer
2 of employment or terminate the temporary employment without notice if the report reveals a
3 disqualifying record. Any person whose employment is subject to the requirements of this
4 section shall pay any fees charged for the criminal record check.

5 Section 2. That chapter 1-36 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Each person hired by the Department of Social Services to serve as a social service aide,
8 family services specialist, family services specialist supervisor, and regional manager in the
9 Division of Child Protection Services or as a home health aide, adult services and aging
10 specialist, social services supervisor, and regional manager in the Division of Adult Services
11 and Aging shall submit to a criminal background investigation, by means of fingerprint checks
12 by the Division of Criminal Investigation and the Federal Bureau of Investigation. The
13 department shall submit completed fingerprint cards to the Division of Criminal Investigation
14 before the prospective new employee enters into service. If no disqualifying record is identified
15 at the state level, the fingerprints shall be forwarded by the Division of Criminal Investigation
16 to the Federal Bureau of Investigation for a national criminal history record check. Any person
17 whose employment is subject to the requirements of this section may enter into service on a
18 temporary basis pending receipt of results of the criminal background investigation. The
19 department may, without liability, withdraw its offer of employment or terminate the temporary
20 employment without notice if the report reveals a disqualifying record. Any person whose
21 employment is subject to the requirements of this section shall pay any fees charged for the
22 criminal record check.

23 Section 3. That chapter 1-43 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 Each person hired by the Department of Health, forensic chemistry unit of the public health
2 laboratory shall submit to a criminal background investigation, by means of fingerprint checks
3 by the Division of Criminal Investigation and the Federal Bureau of Investigation. The
4 department shall submit completed fingerprint cards to the Division of Criminal Investigation
5 before the prospective new employee enters into service. If no disqualifying record is identified
6 at the state level, the fingerprints shall be forwarded by the Division of Criminal Investigation
7 to the Federal Bureau of Investigation for a national criminal history record check. Any person
8 whose employment is subject to the requirements of this section may enter into service on a
9 temporary basis pending receipt of results of the criminal background investigation. The
10 department may, without liability, withdraw its offer of employment or terminate the temporary
11 employment without notice if the report reveals a disqualifying record. Any person whose
12 employment is subject to the requirements of this section shall pay any fees charged for the
13 criminal record check.

14 Section 4. That chapter 27B-3 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 Each person hired as an employee at the South Dakota Developmental Center, whose
17 primary duties include patient care or supervision, shall submit to a criminal background
18 investigation, by means of fingerprint checks by the Division of Criminal Investigation and the
19 Federal Bureau of Investigation. The Developmental Center shall submit completed fingerprint
20 cards to the Division of Criminal Investigation before the prospective new employee enters into
21 service. If no disqualifying record is identified at the state level, the fingerprints shall be
22 forwarded by the Division of Criminal Investigation to the Federal Bureau of Investigation for
23 a national criminal history record check. Any person whose employment is subject to the
24 requirements of this section may enter into service on a temporary basis pending receipt of

1 results of the criminal background investigation. The Developmental Center may, without
2 liability, withdraw its offer of employment or terminate the temporary employment without
3 notice if the report reveals a disqualifying record. Any person whose employment is subject to
4 the requirements of this section shall pay any fees charged for the criminal record check.