

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

567X0453

HOUSE BILL NO. 1192

Introduced by: Representatives McCleerey, Bartling, Feickert, Kirschman, Ring, and Schrempp and Senator Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to prohibit certain inquiries during a public employment
2 application process about an applicant's criminal history and to provide a penalty for a
3 violation thereof.

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

5 Section 1. That chapter 3-6C be amended by adding a NEW SECTION to read:

6 No public entity or governing body may require an applicant for employment to complete
7 any application that makes inquiries regarding an applicant's criminal record, or make any verbal
8 or written inquiry about the applicant's criminal record, during the initial employment process.
9 Once the initial employment process is complete and the applicant is further considered for
10 employment, the employer may make inquiries about the employee's criminal record, as
11 necessary for the position.

12 Section 2. That chapter 3-6C be amended by adding a NEW SECTION to read:

13 The terms of this Act do not apply if the employment being considered is a position for law
14 enforcement, corrections, the judiciary, homeland security, emergency management; if an arrest
15 or conviction would preclude the applicant; or if the position requires a criminal background



1 check by law.

2 Section 3. That chapter 3-6C be amended by adding a NEW SECTION to read:

3 Any public entity or governing body who violates this Act is liable for a civil penalty in an
4 amount not to exceed one thousand dollars for the first violation, five thousand dollars for the
5 second violation, and ten thousand dollars for any subsequent violation.