



2022 South Dakota Legislature
House Bill 1107
ENROLLED

AN ACT

ENTITLED An Act to establish a process for requesting records prepared or maintained by court services officers.

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

Section 1. That § 23A-27-47 be AMENDED:

23A-27-47. Records prepared or maintained by court services officers are confidential. However, such records may be inspected by, or disclosed to, justices, judges, magistrates, and employees of the Unified Judicial System in the course of their duties and to persons specifically authorized by order of the court. The court may order that the records be provided to a person on its own motion. Records received by a person pursuant to court order must be held confidential by the receiving party unless otherwise authorized by the court.

Section 2. That chapter 23A-27 be amended with a NEW SECTION:

If, in connection with a judicial proceeding, a person not authorized by court order pursuant to § 23A-27-47 seeks confidential records prepared or maintained by a court services officer or testimony from a court services officer on the records, the person must file a motion with the court. The motion must state the issue to which the records or testimony is relevant, how the records or testimony is admissible, and the reason why the records or testimony cannot be obtained elsewhere. The motion must be served on the parties and the court services officer who prepared or maintained the records or whose testimony is being sought. The court shall set a hearing on the motion. The moving party shall comply with § 23A-41-4.

An Act to establish a process for requesting records prepared or maintained by court services officers.

I certify that the attached Act originated in the:
House as Bill No. 1107

Received at this Executive Office this ____ day of _____, 2022 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2022

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2022 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1107
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State