

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0182

## SENATE BILL NO. 38

Introduced by: The Committee on Commerce and Energy at the request of the Department  
of Labor and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning bail bondspersons.

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

3 Section 1. That chapter 58-22 be amended by adding a NEW SECTION to read:

4 No bail bondsperson may post a corporate surety bond under the bondsperson's own license  
5 for the licensee's release from incarceration.

6 Section 2. That chapter 58-22 be amended by adding a NEW SECTION to read:

7 The director retains the authority to enforce the provisions of and impose any penalty or  
8 remedy authorized by this chapter and title 58 against any person who is under investigation for  
9 or charged with any violation of this chapter or title 58 even if the person's license has been  
10 surrendered or has lapsed by operation of law.

11 Section 3. That chapter 58-22 be amended by adding a NEW SECTION to read:

12 A person licensed under this chapter shall report any felony criminal prosecution of the  
13 person taken in any jurisdiction to the director within thirty days of the initial pretrial hearing  
14 date. The report shall include a copy of the initial complaint filed, the order resulting from the  
15 hearing, and any other relevant legal documents.



1 For purposes of this section, initial pretrial hearing means either a defendant's arraignment  
2 or the first time that a defendant who is accused of a crime, or the defendant's attorney, appears  
3 before a court in a criminal action in any jurisdiction, whichever occurs first.

4 Section 4. That § 58-22-14 be amended to read:

5 58-22-14. The applicant for any license under this chapter shall apply in writing, on forms  
6 prepared and supplied by the director, and the director may propound any reasonable  
7 interrogatories to an applicant for a license under this chapter or on any renewal thereof, relating  
8 to the applicant's qualifications, residence, prospective place of business, and any other matters  
9 which, in the opinion of the director, are deemed necessary or expedient in order to protect the  
10 public and ascertain the qualifications of the applicant. The director may also conduct any  
11 reasonable inquiry or investigation the director sees fit, relative to the determination of the  
12 applicant's fitness to be licensed or to continue to be licensed ~~including a criminal background~~  
13 ~~check, and the applicant is responsible for any costs associated with a criminal background~~  
14 ~~check as charged by the appropriate agency conducting and furnishing the background check.~~  
15 The applicant shall provide any necessary authorization requested by the director to facilitate  
16 an inquiry or investigation.

17 As part of any application to obtain licensure as a bail bondsperson or runner under this  
18 chapter, each applicant shall submit to a state and federal criminal background investigation by  
19 means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau  
20 of Investigation. Upon application, the director shall submit completed fingerprint cards to the  
21 Division of Criminal Investigation for purposes of conducting both the state and federal criminal  
22 background investigation. Upon completion of the criminal background investigation the  
23 Division of Criminal Investigation shall forward to the director all information obtained as a  
24 result of the criminal background investigation. The applicant is responsible for any costs

1 associated with background investigations as charged by the appropriate agency conducting and  
2 furnishing any background investigations. Failure to submit or cooperate with any criminal  
3 background investigation is grounds for denial of an application for licensure under this chapter.

4 Section 5. That § 58-22-16 be amended to read:

5 58-22-16. The applicant shall ~~be required to~~ appear in person and take a written examination  
6 prepared by the director, testing ~~his~~ the applicant's ability and qualifications to be a bail  
7 ~~bondsman~~ bondsperson or runner.

8 Each applicant shall ~~become eligible for examination during the first six months after the~~  
9 ~~date the application is received by the director, if the director is satisfied as to the applicant's~~  
10 ~~fitness to take the examination. Examinations~~ Each examination shall be held at ~~such times and~~  
11 ~~places~~ a time and place as designated by the director.