

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

970R0141

SENATE BILL NO. 10

Introduced by: Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson,
and Sly at the request of the Interim Sex Offender Registry Committee

1 FOR AN ACT ENTITLED, An Act to reduce the grace period for certain sex offender registry
2 registrations.

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

4 Section 1. That § 22-24B-2 be amended to read as follows:

5 22-24B-2. Any person who has been convicted for commission of a sex crime, as defined
6 in § 22-24B-1, shall register as a sex offender. The term, convicted, includes a verdict or plea
7 of guilty, a plea of nolo contendere, and a suspended imposition of sentence which has not been
8 discharged pursuant to § 23A-27-14 prior to July 1, 1995. Any juvenile fifteen years or older
9 shall register as a sex offender if that juvenile has been adjudicated of a sex crime as defined in
10 § 22-22-7.2, 22-24B-1(1), or 22-24B-1(9), or of an out-of-state or federal offense that is
11 comparable to the elements of these three sex crimes or any crime committed in another state
12 if the state also requires a juvenile adjudicated of that crime to register as a sex offender in that
13 state. The term, adjudicated, includes a court's finding of delinquency, an admission, and a
14 suspended adjudication of delinquency which has not been discharged pursuant to § 26-8C-4
15 prior to July 1, 2009. The sex offender shall register within ~~five~~ three business days of coming



1 into any county to reside, temporarily domicile, attend school, attend postsecondary education
2 classes, or work. Registration shall be with the chief of police of the municipality in which the
3 sex offender resides, temporarily domiciles, attends school, attends postsecondary education
4 classes, or works, or, if no chief of police exists, then with the sheriff of the county. If the sex
5 offender is not otherwise registered in the state, the sex offender shall register within ~~five~~ three
6 business days of coming into any county when the sex offender applies for or receives a South
7 Dakota driver license, registers a motor vehicle, establishes a postal address, or registers to vote.
8 A violation of this section is a Class 6 felony. Any person whose sentence is discharged under
9 § 23A-27-14 after July 1, 1995, shall forward a certified copy of such formal discharge by
10 certified mail to the Division of Criminal Investigation and to local law enforcement where the
11 person is then registered under this section. Upon receipt of such notice, the person shall be
12 removed from the sex offender registry open to public inspection and shall be relieved of further
13 registration requirements under this section. Any juvenile whose suspended adjudication is
14 discharged under § 26-8C-4 after July 1, 2009, shall forward a certified copy of the formal
15 discharge by certified mail to the Division of Criminal Investigation and to local law
16 enforcement where the juvenile is then registered under this section. Upon receipt of the notice,
17 the juvenile shall be removed from the sex offender registry open to public inspection and shall
18 be relieved of further registration requirements under this section.

19 Section 2. That § 22-24B-6 be amended to read as follows:

20 22-24B-6. Any person who is registered as required by § 22-24B-2 and who is employed,
21 carries on a vocation, or attends postsecondary classes at an institution of higher education,
22 institution of higher learning, or technical institute in this state shall, within ~~five~~ three business
23 days of any commencement and within ~~five~~ three business days of termination of such
24 enrollment or employment or change in employer, report to the chief of police or county sheriff

1 where the institution is located and complete a registration update form. A violation of this
2 section is a Class 6 felony.

3 Section 3. That § 22-24B-30 be amended to read as follows:

4 22-24B-30. Any person required to register pursuant to §§ 22-24B-1 to 22-24B-14,
5 inclusive, who is incarcerated or is a juvenile offender committed to the Department of
6 Corrections, shall register within ~~five~~ three business days of admission to the correctional
7 facility or commitment to the Department of Corrections.

8 The Department of Corrections or administering authority of the county or city jail or
9 juvenile detention center shall submit required sex offender registrations to the Division of
10 Criminal Investigation.

11 The administering authority of the correctional facility shall notify the Division of Criminal
12 Investigation if a person required to register changes status from an inmate to parolee or
13 probationer or if an inmate is transferred to a different address, informing the division of the
14 date of transfer and address of the new location.

15 Section 4. That § 22-24B-31 be amended to read as follows:

16 22-24B-31. Any person with a foreign criminal conviction, which requires the person to
17 register either as a sex offender pursuant to § 22-24B-2, pursuant to the laws of the state where
18 the conviction took place, or pursuant to any court order, shall be required to register within ~~five~~
19 three business days of their arrival in South Dakota. A violation of this section is a Class 4
20 felony.

21 Section 5. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as
22 follows:

23 For the purposes of this chapter, the term, business day, is defined to mean the same as
24 subdivision 37-24-1(2).