

2024 South Dakota Legislature

Senate Bill 27**AMENDMENT 27A
FOR THE INTRODUCED BILL**

1 **An Act to modify the criteria for removal from the sex offender registry.**

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

3 **Section 1. That § 22-24B-19 be AMENDED:**

4 **22-24B-19.** To be eligible for removal from the registry as a Tier I offender, the
5 petitioner ~~shall~~ must show, by clear and convincing evidence, that all of the following
6 criteria have been met:

- 7 (1) At least ~~five-ten~~ years have elapsed since the date the petitioner first registered
8 pursuant to this chapter;
- 9 (2) The crime requiring registration was for:
- 10 (a) Statutory rape under subdivision 22-22-1(5), or an attempt to commit
11 statutory rape under subdivision 22-22-1(5), but only if the petitioner was
12 twenty-one years of age or younger at the time the offense was committed
13 or attempted;
- 14 (b) A juvenile adjudication for a sex crime as defined in subdivision 22-24B-
15 1(1);
- 16 (c) Sexual contact under § 22-22-7 if the victim was between the ages of
17 thirteen and sixteen and the petitioner was at least three years older than
18 the victim, but only if the petitioner was twenty-one years of age or younger
19 at the time the offense was committed;
- 20 (d) Felony use or dissemination of ~~visual recording or photographic device~~ any
21 image or recording without consent under § 22-21-4; or
- 22 (e) An out-of-state, federal or court martial offense that is comparable to the
23 elements of the crimes listed in ~~(a), (b), or (c)~~ subsections (2)(a), (2)(b),
24 (2)(c), or (2)(d);
- 25 (3) The circumstances surrounding the crime requiring registration did not involve a
26 child under the age of thirteen;

- 1 (4) The petitioner is not a recidivist sex offender;
- 2 (5) The petitioner has substantially complied in good faith with the registration and re-
- 3 registration requirements imposed under chapter 22-24B; and
- 4 (6) Petitioner demonstrates to the satisfaction of the court that ~~he or she~~ petitioner
- 5 does not pose a risk or danger to the community.

6 For purposes of this section, any period of time during which the petitioner was
 7 incarcerated or during which the petitioner was confined in a mental health facility does
 8 not count toward the ~~five-year~~ ten-year calculation, regardless of whether ~~such~~ the
 9 incarceration or confinement was for the sex offense requiring registration or for some
 10 other offense.

11 **Section 2. That § 22-24B-2.1 be AMENDED:**

12 **22-24B-2.1.** The sex offender registry ~~shall consist~~ consists of three tiers as
 13 provided for in §§ 22-24B-19 to 22-24B-19.2, inclusive. Placement in Tier III requires
 14 registrants to register throughout their lifetime. Placement in Tier II requires registrants
 15 to register for a minimum of twenty-five years. Placement in Tier I requires registrants to
 16 register for a minimum of ~~ten~~ five years.