



2026 South Dakota Legislature

House Bill 1076

Introduced by: **Representative** Gosch

1 **An Act to revise restrictions on residence within a community safety zone and to**
2 **declare an emergency.**

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

4 **Section 1. That § 22-24B-23 be AMENDED:**

5 **22-24B-23.** No person who is required to register as a sex offender pursuant to
6 this chapter may establish a residence or reside within a community safety zone unless:

- 7 (1) The person is incarcerated in a jail or prison or other correctional placement which
8 is located within a community safety zone;
- 9 (2) The person is on parole or probation and has been assigned to a halfway house or
10 supervised living center within a community safety zone;
- 11 (3) The person is homeless and has been admitted to a community homeless shelter
12 within a community safety zone by an appropriate community official;
- 13 (4) The person is placed in a health care facility licensed pursuant to chapter 34-12,
14 or certified under Title XVIII or XIX of the Social Security Act as amended to
15 December 31, 2001, or receiving services from a community service provider
16 accredited or certified by the Department of Human Services or the Department of
17 Social Services, which is located within a community safety zone;
- 18 (5) The person was under age eighteen at the time of the offense and the offender
19 was not tried and convicted of the offense as an adult;
- 20 (6) The person established and inhabited the residence as of July 1, ~~2024~~ 2006;
- 21 (7) The school, public park, public pool, domestic abuse shelter, sexual assault shelter,
22 or public playground was built or established subsequent to the person's
23 establishing residence at the location; or
- 24 (8) The circuit court has entered an order pursuant to § 22-24B-28 exempting the
25 offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.

1 A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5
2 felony.

3 **Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,
4 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
5 and effect from and after its passage and approval.