



## 2026 South Dakota Legislature

# Senate Bill 107

Introduced by: **Senator Nelson**

1 **An Act to add licensed and registered child care programs to the definition of**  
 2 **community safety zone.**

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

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

5 **22-24B-22.** Terms used in §§ 22-24B-22 to 22-24B-28, inclusive, mean:

6 (1) "Community safety zone," the measurement of a straight line that creates an area  
 7 that lies within five hundred feet from the facilities and grounds of any ~~school,~~  
 8 ~~public park, public playground, domestic abuse shelter, sexual assault shelter, or~~  
 9 ~~public pool, including of the following sites:~~

10 (a) A domestic abuse shelter;

11 (b) A licensed day care center, as described in subdivision 26-6-14(3);

12 (c) A licensed group family day care home, as described in subdivision 26-6-  
 13 14(5);

14 (d) A public park, playground, or pool;

15 (e) A registered family day care, as defined by § 26-6-14.1;

16 (f) A school; or

17 (g) A sexual assault shelter.

18 The area includes the facilities and grounds of the site itself;

19 (2) "Loiter," to remain for a period of time and under circumstances that a reasonable  
 20 person would determine is for the primary purpose of observing or contacting  
 21 minors;

22 (3) "School," any public, private, denominational, or parochial school offering  
 23 preschool, kindergarten, or any grade from one through twelve accredited through  
 24 the Department of Education. This term does not apply to any facility where the  
 25 education of students might occur incidentally to the primary purpose of the  
 26 facility; and

- 1 (4) "Residence," the address a person lists for purposes of the sex offender registry  
2 under subdivision 22-24B-8(3) and § 22-24B-12.

3 **Section 2. That § 22-24B-23 be AMENDED:**

4 **22-24B-23.** No person who is required to register as a sex offender pursuant to  
5 this chapter may establish a residence or reside within a community safety zone unless:

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

25 A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5  
26 felony.