



## 2026 South Dakota Legislature

**House Bill 1076****HOUSE JUDICIARY ENGROSSED***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:
  - 21        (a) July 1, 2024 2006, if the community safety zone includes a school, public  
22        park, public playground, or public pool; or
  - 23        (b) July 1, 2024, if the community safety zone includes a domestic abuse  
24       shelter or sexual assault shelter;

- 1       (7)   The school, public park, public pool, domestic abuse shelter, sexual assault shelter,  
2           or public playground was built or established subsequent to the person's  
3           establishing residence at the location; or
- 4       (8)   The circuit court has entered an order pursuant to § 22-24B-28 exempting the  
5           offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.  
6           A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5  
7           felony.

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