



2026 South Dakota Legislature
Senate Bill 107
ENROLLED

AN ACT

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

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

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

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

- (1) "Community safety zone," the measurement of a straight line that creates an area that lies within five hundred feet from the facilities and grounds of any of the following sites:
 - (a) A domestic abuse shelter;
 - (b) A licensed day care center, as described in subdivision 26-6-14(3);
 - (c) A licensed group family day care home, as described in subdivision 26-6-14(5);
 - (d) A public park, playground, or pool;
 - (e) A registered family day care, as defined by § 26-6-14.1;
 - (f) A school; or
 - (g) A sexual assault shelter.

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

- (2) "Loiter," to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting minors;
- (3) "School," any public, private, denominational, or parochial school offering preschool, kindergarten, or any grade from one through twelve accredited through the Department of Education. This term does not apply to any facility where the education of students might occur incidentally to the primary purpose of the facility; and

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

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

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

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

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

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I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 107

2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 107
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State