

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE BILL NO. 1244

Introduced by: Representatives Gibson, Bartling, Feickert, Hawley, Johns, Killer, Kirschman, McCleerey, Ring, Schrempp, and Soli and Senators Buhl O'Donnell, Olson, Parsley, Peterson (Jim), Rusch, and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise provisions related to 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 to read:

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

6 (1) At least ~~ten~~ five years have elapsed since the date the petitioner first registered
7 pursuant to this chapter;

8 (2) The crime requiring registration was for:

9 (a) Statutory rape under subdivision 22-22-1(5), or an attempt to commit statutory
10 rape under subdivision 22-22-1(5), but only if the petitioner was twenty-one
11 years of age or younger at the time the offense was committed or attempted;

12 (b) A juvenile adjudication for a sex crime as defined in subdivision 22-24B-1(1);

13 (c) Sexual contact under § 22-22-7 if the victim was between the ages of thirteen
14 and sixteen and the petitioner was at least three years older than the victim, but



1 only if the petitioner was twenty-one years of age or younger at the time the
2 offense was committed; or

3 (d) An out-of-state, federal or court martial offense that is comparable to the
4 elements of the crimes listed in (a), (b), or (c);

5 (3) The circumstances surrounding the crime requiring registration did not involve a
6 child under the age of thirteen;

7 (4) The petitioner is not a recidivist sex offender;

8 (5) The petitioner has substantially complied in good faith with the registration and re-
9 registration requirements imposed under chapter 22-24B; and

10 (6) Petitioner demonstrates to the satisfaction of the court that he or she does not pose
11 a risk or danger to the community.

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