

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

400Z0553

## SENATE JUDICIARY ENGROSSED NO. **SB 61** - 1/25/2018

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding sex offender  
2 registration.

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

4 Section 1. That § 22-24B-12 be amended to read:

5 22-24B-12. Any person who is required to register as a sex offender pursuant to ~~§§ 22-24B-~~  
6 ~~1 to 22-24B-14, inclusive~~ the provisions of this chapter, and who moves to a different location  
7 or residence address shall inform the law enforcement agency ~~with whom~~ where the person last  
8 registered of the person's new location or address, in writing, within three business days. The  
9 law enforcement agency shall, within three days of receipt of the person's information under this  
10 section, forward the information to the Division of Criminal Investigation and to the law  
11 enforcement agency having jurisdiction ~~of over~~ the person's new location or residence. A failure  
12 to register pursuant to this section is a Class 6 felony for a first offense. Any second or  
13 subsequent violation of the provisions of this section is a Class 5 felony.

14 Section 2. That chapter 22-24B be amended by adding a NEW SECTION to read:



1 Any person who is required to register as a sex offender pursuant to the provisions of this  
2 chapter and who intends to move to a different location or residence address outside of the state,  
3 shall inform the law enforcement agency where the person last registered of the person's new  
4 location or address, in person pursuant to the provisions of § 22-24B-2, not less than three  
5 business days prior to leaving the state. The law enforcement agency shall, within three days of  
6 the receipt of the person's information under this section, forward the information to the  
7 Division of Criminal Investigation and to the law enforcement agency having jurisdiction over  
8 the person's new location or residence. A failure to register pursuant to this section is a Class  
9 6 felony for a first offense. Any second or subsequent violation of the provisions of this section  
10 is a Class 5 felony.

11 Section 3. That § 22-24B-22 be amended to read:

12 22-24B-22. Terms used in §§ 22-24B-22 to 22-24B-28, inclusive, mean:

- 13 (1) "Community safety zone," the measurement of a straight line that creates an area that  
14 lies within five hundred feet from the facilities and grounds of any school, public  
15 park, public playground, or public pool, including the facilities and grounds itself;
- 16 (2) "Loiter," to remain for a period of time and under circumstances that a reasonable  
17 person would determine is for the primary purpose of observing or contacting  
18 minors;
- 19 (3) "School," any public, private, denominational, or parochial school offering preschool,  
20 kindergarten, or any grade from one through twelve accredited through the  
21 Department of Education;
- 22 (4) "Residence," the address ~~an offender~~ a person lists for purposes of the sex offender  
23 registry ~~as provided for in~~ under § 22-24-12 and subdivision 22-24B-8(3).

24 Section 4. That § 22-24B-37 be amended to read:

1       22-24B-37. ~~A sex offender shall report his or her~~ Any person who is required to register as  
2 a sex offender pursuant to the provisions of this chapter shall report that person's intention to  
3 travel outside of the United States at least twenty-one days in advance of the travel to the chief  
4 of police or county sheriff. The law enforcement officer shall complete a notification of  
5 international travel of sex offender form and forward the form to the United States Marshals  
6 Service National Sex Offender Targeting Center and to the Division of Criminal Investigation.  
7 ~~The division shall forward the form to the United States marshals service national sex offender~~  
8 ~~targeting center.~~ A violation of the provisions of this section is a Class 1 misdemeanor.