



Legislative Research Council

SEX OFFENDER REGISTRY STUDY AGENDA

Senator Gene Abdallah, Chair
Representative Brian Gosch, Vice Chair

Third Meeting
2009 Interim
September 21, 2009

LCR 1 & 2
State Capitol Building
Pierre, South Dakota

- 9:00 a.m. Call to Order
 Determination of Quorum
 Approval of Minutes – August 18, 2009
 Chair's Remarks
 Vice Chair's Remarks
- 9:15 a.m. Committee Staff Report – Reuben Bezpaletz
- 9:30 a.m. Public Testimony
- Strictly limited to comments directly pertaining to the proposed Program of Discussion
- 10:45 a.m. Program of Discussion (*Legislators only*)
- See Appendix for details
- 11:45 a.m. Lunch Break
- 1:00 p.m. Program of Discussion (*Legislators only*)
- Continuation and Conclusion
- 3:30 p.m. Staff Direction
 Determination of Future Meeting Date
 Adjourn

Note: All times are approximate

Members: Senator Gene Abdallah, Chair; Representative Brian Gosch, Vice Chair; Senator Sandy Jerstad; Representatives Richard Engels, Peggy Gibson, Jacqueline Sly, and Roger Solum.

NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



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**Proposed Program of Discussion
for the September 21st Meeting
of the Sex Offender Registry Study Committee**

I.

Should the committee endorse full compliance with the Adam Walsh Act if the committee finds that full compliance will not be cost effective or desirable because of:

- A. Quarterly registration;
- B. Implementation of a tiered system to reduce the number of offenders required to register quarterly;
- C. Increased registration of juveniles?

II.

Should the committee endorse civil commitment (such as SB 102 – 2006) as a means of targeting true sexual predators?

III.

Should the committee endorse legislation designed to make the sex offender registry more useful to law enforcement and the general public by:

- A. Including risk assessment classifications based on a tiered system;
- B. Flagging or segregating those:
 - (1) Who have previously offended against children?
 - (2) Who constitute a continuing threat to offend against children?
 - (3) Who have committed crimes of actual violence or brutality?
 - (4) Who have been convicted of multiple sexual felonies?
 - (5) Who relocate repeatedly from community to community or state to state?

IV.

Should the committee endorse a restriction in the list of crimes for which registration is required:

- A. Incest;
- B. Kidnapping;
- C. Indecent exposure;
- D. Bestiality;
- E. Statutory rape (Romeo circumstances);
- F. Juvenile adjudications;
- G. Crimes committed in other states that would not have required registry if committed in this state;
- H. Others?

V.

Should the committee endorse any modifications in the criteria regulating the eligibility of offenders to petition for removal from the sex offender registry:

- A. Ten year rule (22-24B-19(1));
- B. Provide for eligibility to re-petition after denial;
- C. Permit classes other statutory rapists and juveniles to petition:
 - 1. Incest;
 - 2. Kidnapping;
 - 3. Indecent exposure;
 - 4. Bestiality;
 - 5. Crimes committed in other states that would not have required registry if committed in this state;
 - 6. Others;

- D. Require substantial, rather than full, compliance with reregistration requirements (22-24B-19(5)) to be eligible to petition;
- E. Provide for nomination for eligibility to petition by Governor, legislators, community leaders, law enforcement officers, victims, parole officers, et cetera?

VI.

Should the committee endorse modification of the safety zone concept by:

- A. Reducing the five hundred feet cordon;
- B. Reducing the application of the safety zone by eliminating or reducing the cordon around public:
 - 1. Parks;
 - 2. Playgrounds;
 - 3. Pools;
- C. Substituting a no contact with children policy for the current safety zone policy;
- D. Limiting the applicability of the safety zones to only those offenders:
 - 1. Who have committed offenses against children;
 - 2. Who have been determined to constitute a continuing threat to children?

OR

Should the committee endorse the retention of safety zones as a means of discouraging the immigration of sex offender registrants from other states?

VII.

Should the committee endorse exceptions from the safety zones to recognize the existence of special housing beneficial to indigent or restricted offenders:

- A. Homeless shelters;

- B. Halfway houses;
- C. Subsidized housing;
- D. Low income housing projects?

VIII.

Should the committee endorse a policy of no contact with children at schools or youth activities (such as HB 1218 – 2008 or SB 152 – 2009) as being more effective than the community safety zones?

IX.

Should the committee endorse the common law tradition of a mens rea standard for felonies and consider reducing the penalty for sex registry crimes where intent is not an element:

- A. Failure to return verification form (22-24B-5);
- B. Failure to timely register new school enrollment or employment (22-24B-6);
- C. Failure to timely reregister residence every six months (22-24B-7);
- D. Failure to accurately provide all items of registration information (22-24B-8);
- E. Failure to timely register new residence or location (22-24B-12);
- F. Residing in a safety zone (22-24B-23);
- G. Bump ups to Class 5 felony for certain sex registry crimes for subsequent violations?