

AN ACT

ENTITLED, An Act to permit a probationer who is a registered sex offender to reside in an assigned halfway house or supervised living center within a community safety zone.

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

Section 1. That § 22-24B-23 be amended to read as follows:

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 the residence prior to July 1, 2006;
- (7) The school, public park, public pool, or public playground 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

HOUSE as Bill No. 1060

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1060

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State