



## 2022 South Dakota Legislature

# House Bill 1313

Introduced by: **Representative Miskimins**

1 **An Act to expand the definition of community safety zone in relation to the sex**  
 2 **offender registry.**

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

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

5 **22-24B-22.** Terms used in §§ 22-24B-22 to 22-24B-28, inclusive, mean:

- 6 (1) "Community safety zone," the measurement of a straight line that creates an area  
 7 that lies within five hundred feet from the facilities and grounds of any school,  
 8 public park, public playground, ~~or~~ public pool, any facility providing day care  
 9 services pursuant to chapter 26-6 or § 13-8-39.2, including the facilities and  
 10 grounds itself;
- 11 (2) "Loiter," to remain for a period of time and under circumstances that a reasonable  
 12 person would determine is for the primary purpose of observing or contacting  
 13 minors;
- 14 (3) "School," any public, private, denominational, or parochial school offering  
 15 preschool, kindergarten, or any grade from one through twelve accredited through  
 16 the Department of Education. This term does not apply to any facility where the  
 17 education of students might occur incidentally to the primary purpose of the  
 18 facility;
- 19 (4) "Residence," the address a person lists for purposes of the sex offender registry  
 20 under § 22-24B-12 and subdivision 22-24B-8(3).

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

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

- 24 (1) The person is incarcerated in a jail or prison or other correctional placement which  
 25 is located within a community safety zone;

- 1 (2) The person is on parole or probation and has been assigned to a halfway house or  
2 supervised living center within a community safety zone;
- 3 (3) The person is homeless and has been admitted to a community homeless shelter  
4 within a community safety zone by an appropriate community official;
- 5 (4) The person is placed in a health care facility licensed pursuant to chapter 34-12, or  
6 certified under Title XVIII or XIX of the Social Security Act as amended to December  
7 31, 2001, or receiving services from a community service provider accredited or  
8 certified by the Department of Human Services or the Department of Social  
9 Services, which is located within a community safety zone;
- 10 (5) The person was under age eighteen at the time of the offense and the offender was  
11 not tried and convicted of the offense as an adult;
- 12 (6) The person established and inhabited the residence as of July 1, 2006;
- 13 (7) The school, public park, public pool, ~~or~~ public playground, or facility providing day  
14 care services pursuant to chapter 26-6 or § 13-8-39.2 was built or established  
15 subsequent to the person's establishing residence at the location; or
- 16 (8) The circuit court has entered an order pursuant to § 22-24B-28 exempting the  
17 offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.
- 18 A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5  
19 felony.

20 **Section 3. That chapter 22-24B be amended with a NEW SECTION:**

21 No new facility providing day care services pursuant to chapter 26-6 or § 13-8-  
22 39.2 may be established within five hundred feet of a residence of a person required to  
23 register as a sex offender pursuant to this chapter, according to information maintained  
24 by the Division of Criminal Investigation, if the person established and inhabited the  
25 residence prior to July 1, 2022.

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