

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

486W0122

HOUSE BILL NO. 1142

Introduced by: Representatives Gibson, Bordeaux, Feickert, Haugaard, Hawks, Johns, Kaiser, Killer, May, and Stevens and Senators Buhl O'Donnell, Bradford, Curd, Heinert, Hunhoff (Bernie), Peters, and Sutton

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the age
2 requirements for sex offender registry registration.

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

4 Section 1. That § 22-24B-2 be amended to read as follows:

5 22-24B-2. Any person who has been convicted for commission of a sex crime, as defined
6 in § 22-24B-1, shall register as a sex offender. The term, convicted, includes a verdict or plea
7 of guilty, a plea of nolo contendere, and a suspended imposition of sentence which has not been
8 discharged pursuant to § 23A-27-14 prior to July 1, 1995. Any juvenile fourteen years or older
9 at the time of the offense shall register as a sex offender if that juvenile has been adjudicated of
10 rape as defined in subdivision 22-24B-1(1), or of an out-of-state or federal offense that is
11 comparable to the elements of these crimes of rape or any crime committed in another state if
12 the state also requires a juvenile adjudicated of that crime to register as a sex offender in that
13 state. The term, adjudicated, includes a court's finding of delinquency, an admission, and a
14 suspended adjudication of delinquency which has not been discharged pursuant to § 26-8C-4



1 prior to July 1, 2009. The sex offender shall register within three business days of coming into
2 any county to reside, temporarily domicile, attend school, attend postsecondary education
3 classes, or work. Registration shall be with the chief of police of the municipality in which the
4 sex offender resides, temporarily domiciles, attends school, attends postsecondary education
5 classes, or works, or, if no chief of police exists, then with the sheriff of the county. If the sex
6 offender is not otherwise registered in the state, the sex offender shall register within three
7 business days of coming into any county when the sex offender applies for or receives a South
8 Dakota driver license, registers a motor vehicle, establishes a postal address, or registers to vote.
9 A violation of this section is a Class 6 felony. Any person whose sentence is discharged ~~under~~
10 pursuant to § 23A-27-14 after July 1, 1995, shall forward a certified copy of such formal
11 discharge by certified mail to the Division of Criminal Investigation and to local law
12 enforcement where the person is then registered under this section. Upon receipt of ~~such~~ the
13 notice, the person shall be removed from the sex offender registry open to public inspection and
14 shall be relieved of further registration requirements under this section. Any juvenile whose
15 suspended adjudication is discharged ~~under~~ pursuant to § 26-8C-4 after July 1, 2009, shall
16 forward a certified copy of the formal discharge by certified mail to the Division of Criminal
17 Investigation and to local law enforcement where the juvenile is then registered under this
18 section. Upon receipt of the notice, the juvenile shall be removed from the sex offender registry
19 open to public inspection and shall be relieved of further registration requirements under this
20 section.