

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

970T0752

HOUSE BILL NO. 1249

Introduced by: Representatives Nelson (Stace), Hubbel, Kirschman, Kloucek, Kopp, Russell, Schrempp, Tornow, Verchio, and Wick and Senators Holien, Kraus, Maher, Novstrup (Al), and Rhoden

1 FOR AN ACT ENTITLED, An Act to permit a probationer who is a registered sex offender to
2 reside in an assigned halfway house or supervised living center within a community safety
3 zone and to prohibit sex offenders who committed sexual offenses against children to
4 qualify for certain residency exceptions.

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

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

7 22-24B-23. No person who is required to register as a sex offender pursuant to this chapter
8 may establish a residence or reside within a community safety zone unless:

- 9 (1) The person is incarcerated in a jail or prison or other correctional placement which
10 is located within a community safety zone;
- 11 (2) The person is on parole or probation and has been assigned to a halfway house or
12 supervised living center within a community safety zone;
- 13 (3) The person is homeless and has been admitted to a community homeless shelter
14 within a community safety zone by an appropriate community official;



- 1 (4) The person is placed in a health care facility licensed pursuant to chapter 34-12, or
2 certified under Title XVIII or XIX of the Social Security Act as amended to
3 December 31, 2001, or receiving services from a community service provider
4 accredited or certified by the Department of Human Services or the Department of
5 Social Services, which is located within a community safety zone;
- 6 (5) The person was under age eighteen at the time of the offense and the offender was
7 not tried and convicted of the offense as an adult;
- 8 (6) The person established the residence prior to July 1, 2006;
- 9 (7) The school, public park, public pool, or public playground was built or established
10 subsequent to the person's establishing residence at the location; or
- 11 (8) The circuit court has entered an order pursuant to § 22-24B-28 exempting the
12 offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.

13 However, no person who is required to register as a sex offender because of a sexual offense
14 committed against a person under the age of sixteen may reside in a community safety zone
15 pursuant to the exceptions otherwise provided in subdivisions (2), (3), or (4) of this section.

16 A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5 felony.