



## 2024 South Dakota Legislature

# Senate Bill 175

Introduced by: **Senator Wheeler**

1 **An Act to add a domestic abuse shelter to the definition of a community safety zone.**

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

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

4 **22-24B-22.** Terms used in §§ 22-24B-22 to 22-24B-28, inclusive, mean:

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

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

21 **22-24B-23.** No person who is required to register as a sex offender pursuant to  
22 this chapter may establish a residence or reside within a community safety zone unless:

- 23 (1) The person is incarcerated in a jail or prison or other correctional placement which  
24 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,  
6           or certified under Title XVIII or XIX of the Social Security Act as amended to  
7           December 31, 2001, or receiving services from a community service provider  
8           accredited or certified by the Department of Human Services or the Department of  
9           Social 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  
11          was not tried and convicted of the offense as an adult;
- 12          (6)    The person established and inhabited the residence as of July 1, ~~2006~~ 2024;
- 13          (7)    The school, public park, public pool, domestic abuse shelter, sexual assault shelter,  
14          or public playground was built or established subsequent to the person's  
15          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.