

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

484R0205

SENATE BILL NO. 5

Introduced by: Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson,
and Sly at the request of the Interim Sex Offender Registry Committee

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the registration of
2 juvenile sex offenders.

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 ~~fifteen~~ fourteen years
9 or older shall register as a sex offender if that juvenile has been adjudicated of a ~~sex crime~~ rape
10 as defined in ~~§ 22-22-7.2, 22-24B-1(1), or 22-24B-1(9)~~, subdivisions 22-22-1(1) or 22-22-1(2)
11 or of an out-of-state or federal offense that is comparable to the elements of these ~~three sex~~
12 crimes of rape or any crime committed in another state if the state also requires a juvenile
13 adjudicated of that crime to register as a sex offender in that state. The term, adjudicated,
14 includes a court's finding of delinquency, an admission, and a suspended adjudication of
15 delinquency which has not been discharged pursuant to § 26-8C-4 prior to July 1, 2009. The sex



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