

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

952R0204

## SENATE BILL NO. 7

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 permit certain sex offenders who are homeless or on  
2 parole to reside in certain halfway homes or homeless shelters within community safety  
3 zones.

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

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

6 22-24B-23. No person who is required to register as a sex offender pursuant to this chapter  
7 may establish a residence or reside within a community safety zone unless:

- 8 (1) The person is incarcerated in a jail or prison or other correctional placement which  
9 is located within a community safety zone;
- 10 (2) The person is on parole and has been assigned to a halfway house or supervised  
11 living center within a community safety zone;
- 12 (3) The person is homeless and has been admitted to a community homeless shelter  
13 within a community safety zone by an appropriate community official;
- 14 (4) The person is placed in a health care facility licensed pursuant to chapter 34-12, or  
15 certified under Title XVIII or XIX of the Social Security Act as amended to



1 December 31, 2001, or receiving services from a community service provider  
2 accredited or certified by the Department of Human Services, which is located within  
3 a community safety zone;

4 ~~(3)~~(5) The person was under age eighteen at the time of the offense and the offender was  
5 not tried and convicted of the offense as an adult;

6 ~~(4)~~(6) The person established the residence prior to July 1, 2006;

7 ~~(5)~~(7) The school, public park, public pool, or public playground was built or established  
8 subsequent to the person's establishing residence at the location; or

9 ~~(6)~~(8) The circuit court has entered an order pursuant to § 22-24B-28 exempting the  
10 offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.

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