

AN ACT

ENTITLED, An Act to permit certain sex offenders who are homeless or on parole to reside in certain halfway homes or homeless shelters within community safety zones.

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

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

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

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

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

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I certify that the attached Act
originated in the

SENATE as Bill No. 7

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 7
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State