2024 South Dakota Legislature

Senate Bill 27

ENROLLED

AN ACT

ENTITLED An Act to modify the criteria for removal from the sex offender registry.

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

Section 1. That § 22-24B-19 be AMENDED:

22-24B-19. To be eligible for removal from the registry as a Tier I offender, the petitioner must show, by clear and convincing evidence, that all of the following criteria have been met:

(1) At least five years have elapsed since the date the petitioner first registered pursuant to this chapter;

(2) The crime requiring registration was for:

(a) Statutory rape under subdivision 22-22-1(5), or an attempt to commit statutory rape under subdivision 22-22-1(5), but only if the petitioner was twenty-one years of age or younger at the time the offense was committed or attempted;

(b) A juvenile adjudication for a sex crime as defined in subdivision 22-24B-1(1);

(c) Sexual contact under § 22-22-7 if the victim was between the ages of thirteen and sixteen and the petitioner was at least three years older than the victim, but only if the petitioner was twenty-one years of age or younger at the time the offense was committed;

(d) Felony use or dissemination of any image or recording without consent under § 22-21-4; or

(e) An out-of-state, federal or court martial offense that is comparable to the elements of the crimes listed in subsections (2)(a), (2)(b), (2)(c), or (2)(d);

(3) The circumstances surrounding the crime requiring registration did not involve a child under the age of thirteen;

(4) The petitioner is not a recidivist sex offender;

(5) The petitioner has substantially complied in good faith with the registration and re-registration requirements imposed under chapter 22-24B; and

(6) Petitioner demonstrates to the satisfaction of the court that petitioner does not pose a risk or danger to the community.

For purposes of this section, any period of time during which the petitioner was incarcerated or during which the petitioner was confined in a mental health facility does not count toward the five-year calculation, regardless of whether the incarceration or confinement was for the sex offense requiring registration or for some other offense.

Section 2. That § 22-24B-2.1 be AMENDED:

22-24B-2.1. The sex offender registry consists of three tiers as provided for in §§ 22-24B-19 to 22-24B-19.2, inclusive. Placement in Tier III requires registrants to register throughout their lifetime. Placement in Tier II requires registrants to register for a minimum of twenty-five years. Placement in Tier I requires registrants to register for a minimum of five years.

An Act to modify the criteria for removal from the sex offender registry.

I certify that the attached Act originated in the:

Senate as Bill No. 27

_____
Secretary of the Senate

_____
President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 27
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2024 at _____M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2024

_____
Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2024
at _____ o'clock __M.

_____
Secretary of State

By _____
Asst. Secretary of State