

AN ACT

ENTITLED, An Act to revise certain provisions regarding the registration of sex offenders.

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

Section 1. That § 22-22-30 be amended to read as follows:

22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the following crimes regardless of the date of the commission of the offense or the date of conviction:

- (1) Rape as set forth in § 22-22-1;
- (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by an adult and the adult is convicted of a felony;
- (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if committed by an adult;
- (4) Incest as set forth in § 22-22-19.1 if committed by an adult;
- (5) Photographing a child in an obscene act as set forth in § 22-22-23;
- (6) Possession of child pornography as set forth in § 22-22-23.1;
- (7) Sale of obscene pictures of a child as set forth in § 22-22-24;
- (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2);
- (10) Criminal pedophilia as set forth in § 22-22-30.1;
- (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set forth in § 22-24-1.2;
- (12) An attempt to commit any of the crimes listed in this section;
- (13) Any crime committed in a place other than this state which would constitute a sex crime under this section if committed in this state;
- (14) Any federal crime or court martial that would constitute a sex crime under federal law; or

- (15) Any crime committed in another state if that state also requires that anyone convicted of that crime register as a sex offender in that state.

Section 2. That § 22-22-31 be amended to read as follows:

22-22-31. Any person who has been convicted whether upon a verdict or plea of guilty or a plea of nolo contendere, or who has received a suspended imposition of sentence which has not been discharged pursuant to § 23A-27-14 prior to July 1, 1995, for commission of a sex crime, as defined in § 22-22-30, or any person who is a juvenile fifteen years of age or older adjudicated of a sex crime, as defined in subdivision 22-22-30(1) or (9), or of felony sexual contact, as defined in § 22-22-7.2, shall, within ten days of coming into any county to reside, temporarily domicile, attend school, attend postsecondary education classes, or work, register with the chief of police of the municipality in which the person resides, domiciles, attends school, attends classes, or works, or, if no chief of police exists, then with the sheriff of the county. A violation of this section is a Class 1 misdemeanor. However, any subsequent violation is a Class 6 felony. Any person whose sentence is discharged under § 23A-27-14 after July 1, 1995, shall forward a certified copy of such formal discharge by certified mail to the Division of Criminal Investigation and to local law enforcement where the person is then registered under this section. Upon receipt of such notice, the person shall be removed from the sex offender registry open to public inspection and shall be relieved of further registration requirements under this section.

Section 3. That § 22-22-31.1 be amended to read as follows:

22-22-31.1. The Division of Criminal Investigation shall mail a nonforwardable verification form at least once annually to the last reported address of each person registered under § 22-22-31. The person shall return the verification form to the Division of Criminal Investigation within ten days after receipt of any such form. The verification form shall be signed by the person required to register and shall state that the person still resides at the address last reported to the Division of Criminal

Investigation. If the person fails to return the verification form to the Division of Criminal Investigation within ten days after receipt of the form, the person is in violation of this section. Nonreceipt of a registration verification does not constitute a defense to failure to comply with this section. A violation of this section is a Class 1 misdemeanor. Any subsequent violation is a Class 6 felony.

Section 4. That § 22-22-36 be amended to read as follows:

22-22-36. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive, who moves to a different residence address shall inform the law enforcement agency with whom the person last registered of the new address, in writing, within ten days. The law enforcement agency shall, within three days of receipt, forward the information to the Division of Criminal Investigation and to the law enforcement agency having jurisdiction of the new residence. A failure to register pursuant to this section is a Class 1 misdemeanor. Any second or subsequent failure to register pursuant to this section is a Class 6 felony.

Section 5. That § 22-22-37 be amended to read as follows:

22-22-37. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive, shall annually register with the local law enforcement agency having jurisdiction of the person's residence verifying the information given pursuant to § 22-22-32. A violation of this section is a Class 1 misdemeanor. Any second or subsequent violation of this section is a Class 6 felony.

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I certify that the attached Act
originated in the

SENATE as Bill No. 42

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 42
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