

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

209H0045

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1004 - 01/29/2002

Introduced by: Representatives Wick, Bradford, Broderick, Gillespie, Holbeck, McCoy, and Teupel and Senators Moore, Ham, McIntyre, and Sutton (Dan) at the request of the Interim Teacher Credentialing and Compensation Committee

1 FOR AN ACT ENTITLED, An Act to provide for a refund of tuition for certain teachers.

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

3 Section 1. Terms used in this Act mean:

4 (1) "Eligible teacher," a teacher who teaches in a subject area of critical need as
5 determined by the Department of Education and Cultural Affairs, and whose first year
6 of teaching is after the 2002 school year;

7 (2) "Postsecondary tuition," the lesser of five thousand dollars or actual qualified higher
8 education expenses as defined in subdivision 13-63-1(13) paid by the eligible teacher;

9 (3) "Secretary," the secretary of the Department of Education and Cultural Affairs.

10 Section 2. Notwithstanding provisions of § 4-7-39, at the end of each fiscal year, the
11 secretary shall transfer twenty-five percent of any money, not to exceed one million dollars, that
12 has been appropriated for state aid to general education or state aid to special education that has
13 not been spent or legally obligated to the teacher tuition reimbursement fund, which is hereby
14 created. No money may be transferred to the teacher tuition reimbursement fund if the amount



1 in the fund is two million five hundred thousand dollars or more.

2 Section 3. There is hereby created in the state treasury the South Dakota teacher tuition
3 reimbursement fund into which shall be deposited any appropriations, private donations, grants,
4 and other funds provided to the Department of Education and Cultural Affairs for tuition
5 reimbursements to teachers. Any interest earned on the money in the fund shall be deposited in
6 the fund.

7 Section 4. An eligible teacher shall receive a reimbursement equal to seventy-five percent of
8 the teacher's first year's postsecondary tuition if the teacher has taught in South Dakota for three
9 consecutive years following graduation from an accredited college or university.

10 Section 5. An eligible teacher shall receive a reimbursement equal to seventy-five percent of
11 the teacher's second year's postsecondary tuition if the teacher has taught in South Dakota for
12 five consecutive years following graduation from an accredited college or university.

13 Section 6. An eligible teacher shall receive a reimbursement equal to seventy-five percent of
14 the teacher's third year's postsecondary tuition if the teacher has taught in South Dakota for
15 seven consecutive years following graduation from an accredited college or university.

16 Section 7. An eligible teacher shall receive a reimbursement equal to seventy-five percent of
17 the teacher's fourth year's postsecondary tuition if the teacher has taught in South Dakota for
18 nine consecutive years following graduation from an accredited college or university.

19 Section 8. An eligible teacher shall receive an additional reimbursement equal to the
20 remaining twenty-five percent of the teacher's first four year's postsecondary tuition if the teacher
21 has taught in South Dakota for ten consecutive years following graduation from an accredited
22 college or university.

23 Section 9. The Department of Education and Cultural Affairs shall pay eligible teachers their
24 tuition reimbursement out of any money in the teacher tuition reimbursement fund or a

1 proportion of those funds available.

2 Section 10. The Department of Education and Cultural Affairs shall promulgate rules,

3 pursuant to chapter 1-26, to implement the provisions of this Act.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

814H0180

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1073 - 01/17/2002

Introduced by: Representatives Flowers, Abdallah, Brown (Jarvis), Burg, Hansen (Tom), Hargens, Holbeck, Hundstad, Jensen, Lange, Olson (Mel), and Sebert and Senators Volesky, Duxbury, Koetzle, McCracken, Moore, and Putnam

1 FOR AN ACT ENTITLED, An Act to require direct reimbursement to ambulance services
2 under certain circumstances.

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

4 Section 1. Notwithstanding any provision of any policy of insurance subject to the general
5 provisions of Title 58, if a policy or contract provides for reimbursement for ambulance service,
6 the reimbursement shall be made payable directly to the ambulance service or jointly to both the
7 insured and the ambulance service. The provisions of this section only apply to nonprofit
8 ambulance services.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

337H0178

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1085 - 01/30/2002

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives McCaulley, Garnos, and Wick

1 FOR AN ACT ENTITLED, An Act to establish a master teacher program to award certain
2 teachers.

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

4 Section 1. The Department of Education and Cultural Affairs shall establish a master teacher
5 program. The South Dakota master teacher program shall reward qualified teachers in qualified
6 school districts by means of a yearly bonus of not more than six thousand dollars per year.

7 Section 2. The Department of Education and Cultural Affairs may allocate only those funds
8 appropriated by the Legislature for the purposes of this Act to each qualified school district
9 according to its relative portion of the total average daily membership as defined in § 13-13-10.1.
10 Any qualified school district may access a portion of the funds for the South Dakota master
11 teacher program if the school district implements a plan to reward teachers who demonstrate
12 excellence and mastery in their profession. All moneys allocated for school districts that are not
13 qualified school districts, shall be redistributed to the qualified school districts on an average
14 daily membership basis.



1 Section 3. If a qualified school identifies a teacher who has demonstrated excellence and
2 mastery, the qualified school district shall provide a written recommendation and substantiation,
3 along with the specific amount of the bonus to be paid, to the Department of Education and
4 Cultural Affairs after March first and before April fifteenth. The qualified school district is limited
5 to requesting bonuses in an amount not to exceed the amount allocated for such school district.

6 Section 4. For purposes of this Act, a master teacher must comply with the plan developed
7 by the qualified school district and meet the following criteria:

- 8 (1) The teacher has taught at least three years in the qualified school district;
- 9 (2) The teacher exhibits excellence and mastery in both a subject area and teaching
10 methods;
- 11 (3) The teacher is committed to students and their learning;
- 12 (4) The teacher is responsible for managing and monitoring student learning;
- 13 (5) The teacher thinks systematically about teaching and learns from experience;
- 14 (6) The teacher is a member of learning communities;
- 15 (7) The teacher submits a portfolio of professional work;
- 16 (8) The teacher is able to demonstrate student performance; and
- 17 (9) The teacher is endorsed by an administrator, a school board member, a parent, a
18 colleague, or a student in the school district currently employing the teacher.

19 Section 5. For purposes of this Act, a qualified school district is one that meets the following
20 criteria:

- 21 (1) The school district has a general fund balance of not more than thirty-five percent of
22 total general fund expenditures for the previous school year;
- 23 (2) The school district rewards not more than twenty-five percent of its teachers, in any
24 school year, with funds from the South Dakota master teacher program;

1 (3) The school district awards money to master teachers without a reduction or offset in
2 their regular salary;

3 (4) The school district develops a plan to reward master teachers with the advice and
4 counsel of members of the community, administration, and teachers;

5 (5) The school district identifies a panel of individuals designated to select the master
6 teachers. The panel shall consist of seven members including a teacher, an
7 administrator, a school board member, a student, a former student, a parent, and a
8 member of the business community;

9 (6) The school district's plan is approved by the Department of Education and Cultural
10 Affairs.

11 Section 6. The secretary of the Department of Education and Cultural Affairs shall approve
12 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

908H0351 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1120 - 02/01/2002

Introduced by: Representatives Sutton (Duane), Burg, Elliott, Frost, Garnos, Hennies (Thomas), Hundstad, Jensen, Klaudt, Kloucek, Lintz, McCoy, Napoli, Olson (Mel), and Rhoden and Senators Apa, Diedtrich (Elmer), and Duxbury

1 FOR AN ACT ENTITLED, An Act to appropriate money to the South Dakota Horsemen's
2 Association and to declare an emergency.

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

4 Section 1. There is hereby appropriated from the South Dakota bred-racing fund the sum of
5 two hundred fifty thousand dollars (\$250,000), to the South Dakota Horsemen's Association,
6 a South Dakota nonprofit corporation. Money appropriated pursuant to this section shall be
7 divided equally for use by the Fort Pierre Race Track and the Brown County Race Track.

8 Section 2. There is hereby appropriated from the special racing revolving fund the sum of
9 two hundred fifty thousand dollars (\$250,000), to the South Dakota Horsemen's Association,
10 a South Dakota nonprofit corporation. Money appropriated pursuant to this section shall be
11 divided equally for use by the Fort Pierre Race Track and the Brown County Race Track.

12 Section 3. The executive secretary of the gaming commission shall approve vouchers and the
13 state auditor shall draw warrants to pay expenditures authorized by this Act.

14 Section 4. Whereas, this Act is necessary for the support of the state government and its



- 1 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
- 2 force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

772H0362

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1159** - 01/31/2002

Introduced by: Representatives Adelstein and Brown (Richard) and Senator Everist

1 FOR AN ACT ENTITLED, An Act to permit certain persons to solemnize marriages.

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

3 Section 1. That § 25-1-30 be amended to read as follows:

4 25-1-30. Marriage may be solemnized by a justice of the Supreme Court, a judge of the
5 circuit court, a magistrate, a mayor, or any person authorized by, including but not limited to,
6 a church, a synagogue, or a moslem congregation to solemnize marriages.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

118H0509 **HOUSE EDUCATION COMMITTEE ENGROSSED NO.**
HB 1166 - 01/24/2002

Introduced by: Representatives Holbeck, Garnos, and Van Etten and Senators Reedy, Albers,
Daugaard, Munson, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for a master teacher program and to make an
2 appropriation therefor.

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

4 Section 1. The master teacher program is hereby established within the Department of
5 Education and Cultural Affairs. Each year the department shall select one hundred teachers from
6 South Dakota's public school districts and designate those teachers as master teachers.

7 Section 2. Any person employed as a full time teacher in a South Dakota public school
8 district may apply to the Department of Education and Cultural Affairs to be designated as a
9 master teacher.

10 Section 3. The Department of Education and Cultural Affairs may establish criteria for
11 selection of master teachers provided that the criteria include five years of teaching experience,
12 experience in remote teaching or other use of technology in teaching, endorsement by the
13 principal of the school in which the teacher teaches or by the superintendent of the school district
14 that employs the teacher, and submission of a resume or portfolio by the applicant.



1 Section 4. Each teacher selected as a master teacher is entitled to an award of five thousand
2 dollars upon receiving the award and an award of one thousand dollars for each year after that,
3 up to five years. The one-half of the initial five thousand dollar award shall be paid by the State
4 of South Dakota and one-half shall be paid by the school district that employs the teacher. The
5 subsequent one thousand dollar awards shall be paid by the school district that employs the
6 teacher. If a teacher who has been designated as a master teacher becomes employed by another
7 South Dakota public school district, that school district assumes the responsibility for any award
8 under the provisions of this Act to which the teacher is entitled.

9 Section 5. There is hereby appropriated from the general fund the sum of two hundred fifty
10 thousand dollars (\$250,000), or so much thereof as may be necessary, to the Department of
11 Education and Cultural Affairs to pay master teacher awards as provided for in this Act..

12 Section 6. The secretary of the Department of Education and Cultural Affairs shall approve
13 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

14 Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by
15 June 30, 2003, shall revert in accordance with § 4-8-21.

16 Section 8. The Department of Education and Cultural Affairs may promulgate rules pursuant
17 to chapter 1-26 to implement the provisions of this Act.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

870H0010

HOUSE TAXATION COMMITTEE ENGROSSED NO.

HB 1229 - 02/01/2002

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Lintz, Duenwald, Fryslie, Hansen (Tom), Jensen, Klaudt, Pederson (Gordon), Rhoden, and Sigdestad and Senators Diedrich (Larry), Dennert, Drake, Koskan, and Vitter

1 FOR AN ACT ENTITLED, An Act to conduct a pilot study on agricultural income value, to
2 appropriate money for a pilot study, and to declare an emergency.

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

4 Section 1. The secretary of revenue shall conduct a pilot study concerning the use of
5 agricultural income value as a means to value agricultural land. The pilot study shall include an
6 analysis of various capitalization rates and determine the impact of such rates on the total
7 statewide assessed value of agricultural property and its relationship to the total statewide
8 assessed value of all property. The pilot study shall include the counties not included in the pilot
9 study provided by chapter 44 of the 2000 Session Laws. The secretary shall, for the purpose of
10 providing information, apply the provisions and procedures provided in chapter 44 of the 2000
11 Session Laws to value agricultural land in the remaining counties. The secretary shall submit a
12 report detailing the information collected to the Governor and the Seventy-eighth Legislature.

13 Section 2. There is hereby appropriated from the general fund the sum of fifty thousand



1 dollars (\$50,000), or so much thereof as may be necessary, to the Department of Revenue for
2 the purpose of conducting a pilot study concerning the use of agricultural income value as a
3 means to value agricultural land.

4 Section 3. The secretary of the Department of Revenue shall approve vouchers and the state
5 auditor shall draw warrants to pay expenditures authorized by this Act.

6 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by
7 June 30, 2003, shall revert in accordance with § 4-8-21.

8 Section 5. Whereas, this Act is necessary for the support of the state government and its
9 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
10 force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

640H0646 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1237 - 02/01/2002

Introduced by: Representatives Richter, Burg, Derby, and Olson (Mel) and Senators Drake, Dennert, Duxbury, and Putnam

1 FOR AN ACT ENTITLED, An Act to amend the General Appropriations Act for fiscal year
2 2002.

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

4 Section 1. That section 16 of chapter 3 of the 2001 Session Laws be amended to read as
5 follows:

6 DEPARTMENT OF CORRECTIONS

7 State Penitentiary

8 Operating Expenses, delete "\$4,922,325" and insert "\$5,215,825".

9 Adjust all totals accordingly.

10 Section 2. That section 17 of chapter 3 of the 2001 Session Laws be amended to read as
11 follows:

12 DEPARTMENT OF HUMAN SERVICES

13 Developmental Disabilities

14 Operating Expenses, delete "\$21,481,272" and insert "\$21,774,772" and delete



1 \$40,011,775" and insert "40,598,775".

2 Adjust all totals accordingly.

3 Section 3. The commissioner of the Bureau of Finance and Management shall transfer two
4 hundred fifty thousand dollars (\$250,000) of the remaining appropriation from the
5 intergovernmental transfer fund for the operating expenses of the Division of Rehabilitation
6 Services, Department of Human Services, to the operating expenses of the Division of
7 Developmental Disabilities, Department of Human Services, for the home and community based
8 services program.

9 Section 4. Any expenditure authority or cash appropriated by this Act which are unspent at
10 the end of fiscal year 2002 shall be carried over to fiscal year 2003.

11 Section 5. That chapter 3 of the 2001 Session Laws be amended to read as follows:

12 After Section 27, insert:

13 "Section 27A. The state treasurer shall transfer to the general fund from the youth-at-risk
14 fund the sum of three hundred ninety-six thousand dollars (\$396,000).

15 Section 27B. The state treasurer shall transfer to the general fund from the people's trust fund
16 the sum of one hundred ninety-one thousand dollars (\$191,000)."

17 Section 6. This Act is effective June 11, 2002.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

292H0658

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1281 - 01/31/2002

Introduced by: Representative Derby

1 FOR AN ACT ENTITLED, An Act to lengthen the period required for notice of nonrenewal of
2 certain insurance policies.

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

4 Section 1. That § 58-1-14 be amended to read as follows:

5 58-1-14. Notice of refusal to renew an insurance policy as defined in §§ 58-9-5 to 58-9-33,
6 inclusive, except a policy of homeowner's insurance, is not effective unless mailed or delivered
7 by the insurer to the named insured at least ~~thirty~~ sixty days before the effective renewal date.
8 The policy provisions control if the policy provides for a notice of refusal to renew that exceeds
9 ~~thirty~~ sixty days. This section does not apply to the cancellation and nonrenewal of automobile
10 policies or coverages as defined in § 58-11-45. A notice of nonrenewal is not required if the
11 policyholder is transferred to an insurer that is a member of the same insurance group as the
12 previous insurer and notice of such transfer is given in the form adopted by rule by the Division
13 of Insurance pursuant to chapter 1-26.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0230

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 15** - 01/16/2002

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the
2 composition of the mental health planning and coordination advisory council.

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

4 Section 1. That § 27A-3-1.2 be repealed.

5 ~~— 27A-3-1.2. The council shall consist of the following who shall be appointed by and serve~~
6 ~~at the pleasure of the Governor:~~

7 ~~— (1) The secretary of the Department of Human Services, or his designee;~~

8 ~~— (2) The executive director of the South Dakota Advocacy Services;~~

9 ~~— (3) A director of a Department of Human Services approved community mental health~~
10 ~~center, whose term shall expire July 1, 1992;~~

11 ~~— (4) A qualified mental health professional who provides direct services in an approved~~
12 ~~community mental health center (not a center director), whose term shall expire~~
13 ~~July 1, 1991;~~

14 ~~— (5) A representative of the South Dakota Council of Mental Health Centers, whose term~~



- 1 shall expire July 1, 1990;
- 2 — (6) — A representative of the South Dakota Board of Regents;
- 3 — (7) — The executive director of the South Dakota Housing Development Authority, or his
- 4 designee;
- 5 — (8) — The state court administrator, or his designee;
- 6 — (9) — A qualified mental health professional from a private, nonprofit service-providing
- 7 agency other than a community mental health center, whose term shall expire July 1,
- 8 1991;
- 9 — (10) — The administrator of the South Dakota Human Services Center or his designee;
- 10 — (11) — A representative of a statewide mental health consumer organization, whose term
- 11 shall expire July 1, 1991;
- 12 — (12) — A family representative of an adult (eighteen years or over) severely mentally ill
- 13 individual, whose term shall expire July 1, 1991;
- 14 — (13) — A family representative of an adult (eighteen years or over) severely mentally ill
- 15 individual, whose term shall expire July 1, 1991;
- 16 — (14) — A family representative of a child (under eighteen years) severely mentally ill
- 17 individual, whose term shall expire July 1, 1992;
- 18 — (15) — A primary consumer of mental health services, whose term shall expire July 1, 1990;
- 19 — (16) — A primary consumer of mental health services, whose term shall expire July 1, 1991;
- 20 — (17) — A primary consumer of mental health services, whose term shall expire July 1, 1992;
- 21 — (18) — A representative of a statewide family support and advocacy group whose term shall
- 22 expire July 1, 1990;
- 23 — (19) — A public educator in a kindergarten through twelfth grade program (not a provider
- 24 or state employee), whose term shall expire July 1, 1991;

1 ~~—(20) A representative of consumers at large (not a provider or state employee), whose term~~
2 ~~shall expire July 1, 1992;~~

3 ~~—(21) A representative of consumers at large (not a provider or state employee), whose term~~
4 ~~shall expire July 1, 1990;~~

5 ~~—(22) The secretary of the Department of Social Services, or his designee.~~

6 ~~—Future terms of those members with established terms shall be three years.~~

7 Section 2. That § 27A-3-1.1 be amended to read as follows:

8 27A-3-1.1. There is created the Mental Health Planning and Coordination Advisory Council
9 which shall be appointed by and serve at the pleasure of the Governor. The council shall be
10 assigned to the Department of Human Services. Technical assistance and staff support shall be
11 provided to the council by the Department of Human Services. The secretary of human services
12 shall be responsible for the coordination of activities between the advisory council and the
13 Department of Human Services.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0246

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 42 - 01/28/2002**

Introduced by: The Committee on Judiciary at the request of the Attorney General

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

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

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

5 22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the
6 following crimes regardless of the date of the commission of the offense or the date of
7 conviction:

8 (1) Rape as set forth in § 22-22-1;

9 (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by
10 an adult and the adult is convicted of a felony;

11 (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if
12 committed by an adult;

13 (4) Incest as set forth in § 22-22-19.1 if committed by an adult;

14 (5) Photographing a child in an obscene act as set forth in § 22-22-23;

15 (6) Possession of child pornography as set forth in § 22-22-23.1;



- 1 (7) Sale of obscene pictures of a child as set forth in § 22-22-24;
- 2 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- 3 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2);
- 4 (10) Criminal pedophilia as set forth in § 22-22-30.1;
- 5 (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set
- 6 forth in § 22-24-1.2;
- 7 (12) An attempt to commit any of the crimes listed in this section; ~~or~~
- 8 (13) Any crime committed in a place other than this state which would constitute a sex
- 9 crime under this section if committed in this state;
- 10 (14) Any federal crime or court martial that would constitute a sex crime under federal
- 11 law; or
- 12 (15) Any crime committed in another state if that state also requires that anyone convicted
- 13 of that crime register as a sex offender in that state.

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

15 22-22-31. Any person ~~residing in this state~~ who has been convicted whether upon a verdict

16 or plea of guilty or a plea of nolo contendere, or who has received a suspended imposition of

17 sentence which has not been discharged pursuant to § 23A-27-14 prior to July 1, 1995, for

18 commission of a sex crime, as defined in § 22-22-30, or any person who is a juvenile fifteen years

19 of age or older adjudicated of a sex crime, as defined in subdivision 22-22-30(1) or (9), or of

20 felony sexual contact, as defined in § 22-22-7.2, shall, within ten days of coming into any county

21 to reside ~~or, temporarily domicile for more than thirty days,~~ attend school, attend postsecondary

22 education classes, or work, register with the chief of police of the municipality in which the

23 person resides, domiciles, attends school, attends classes, or works, or, if no chief of police

24 exists, then with the sheriff of the county ~~in which the person resides.~~ A violation of this section

1 is a Class 1 misdemeanor. However, any subsequent violation is a Class 6 felony. Any person
2 whose sentence is discharged under § 23A-27-14 after July 1, 1995, shall forward a certified
3 copy of such formal discharge by certified mail to the Division of Criminal Investigation and to
4 local law enforcement where the person is then registered under this section. Upon receipt of
5 such notice, the person shall be removed from the sex offender registry open to public inspection
6 and shall be relieved of further registration requirements under this section.

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

8 22-22-31.1. The Division of Criminal Investigation shall mail a nonforwardable verification
9 form at least once annually to the last reported address of each person registered under
10 § 22-22-31. The person shall return the verification form to the Division of Criminal
11 Investigation within ten days after receipt of any such form. The verification form shall be signed
12 by the person required to register and shall state that the person still resides at the address last
13 reported to the Division of Criminal Investigation. If the person fails to return the verification
14 form to the Division of Criminal Investigation within ten days after receipt of the form, the
15 person is in violation of the registration provisions of § 22-22-31 and is subject to the penalties
16 ~~prescribed in § 22-22-31~~ this section. Nonreceipt of a registration verification does not constitute
17 a defense to failure to comply with § ~~22-22-37~~ this section. A violation of this section is a Class
18 1 misdemeanor. Any subsequent violation is a Class 6 felony.

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

20 22-22-36. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,
21 who moves to a different residence address shall inform the law enforcement agency with whom
22 the person last registered of the new address, in writing, within ten days. The law enforcement
23 agency shall, within three days of receipt, forward the information to the Division of Criminal
24 Investigation and to the law enforcement agency having jurisdiction of the new residence. A

1 failure to register pursuant to this section is a Class 1 misdemeanor. Any second or subsequent
2 failure to register pursuant to this section is a Class 6 felony.

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

4 22-22-37. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,
5 shall annually register with the local law enforcement agency having jurisdiction of the person's
6 residence verifying the information given pursuant to § 22-22-32. A violation of this section is
7 a Class 1 misdemeanor. Any ~~third~~ second or subsequent violation of this section is a Class 6
8 felony.