

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

372M0298

SENATE BILL NO. 140

Introduced by: Senators Adelstein, Abdallah, Broderick, and Hansen (Tom)

1 FOR AN ACT ENTITLED, An Act to establish minimum sentencing and electronic monitoring
2 requirements for certain sex offenders.

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

4 Section 1. For any felony committed by any person who is eighteen years of age or older that
5 involves lewd or lascivious molestation against a victim less than twelve years of age, the court
6 shall impose a term of imprisonment for life or a sentence that is a term of not less than twenty-
7 five years imprisonment and not exceeding life imprisonment, followed by parole, probation,
8 or other form of conditional release for the remainder of the person's life. The parole, probation,
9 or other conditional release portion of the sentence imposed by the court for the defendant shall
10 include a condition that the defendant be electronically monitored for the remainder of the
11 defendant's life.

12 Section 2. For any offense committed by any person who is eighteen years of age or older
13 that involves unlawful sexual activity against a victim less than fifteen years of age, any period
14 of parole, probation, or other form of conditional release related to the offense shall include
15 electronic monitoring for the duration of the parole, probation, or other conditional release. If
16 the court imposes a term of supervision following the revocation of parole, probation, or other



1 conditional release related to such an offense, the court shall order electronic monitoring as a
2 condition of the supervision or any subsequent term of parole, probation, or other conditional
3 release.

4 Section 3. Any electronic monitoring system that is used pursuant to sections 1 or 2 of this
5 Act shall actively monitor and identify the offender's location and timely report or record the
6 offender's presence near or within a crime scene or in a prohibited area or the offender's
7 departure from specified geographic limitations. Any person who intentionally alters, tampers
8 with, damages or destroys any electronic monitoring equipment used pursuant to this Act, unless
9 the person is the owner of the equipment, or an agent of the owner, performing ordinary
10 maintenance and repairs, is guilty of a Class 1 misdemeanor for the first offense and a Class 6
11 felony for any subsequent offense.