State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

907N0433

HOUSE BILL NO. 1219

Introduced by: Representatives Wick, Brunner, Cutler, Dykstra, Heineman, Hills, Krebs, Miles, Pitts, Steele, and Street and Senators Abdallah, Lintz, and Maher

FOR AN ACT ENTITLED, An Act to prohibit sex offenders from entering certain school buildings or premises, to provide for waivers issued by school boards under certain circumstances, and to provide penalties for violations thereof.

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

Section 1. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as follows:

No person who is registered as a sex offender pursuant to chapter 22-24B may knowingly enter any school building, school activity, or school premises where children are present or are likely to be present. A violation of this section is a Class 6 felony.

Section 2. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as follows:

No person who is subject to registration as a sex offender pursuant to chapter 22-24B, but who has either failed to register or who has failed to maintain a valid registration, may knowingly enter any school building, school activity, or school premises where children are present or are likely to be present. A violation of this section is a Class 5 felony.

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

Section 3. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as follows:

Any school board may, in its sole discretion, waive, subject to any reasonable restriction, limitation, or condition that the school may elect to impose, enforcement of the provisions of section 1 of this Act. To be effective, the terms of the waiver shall be reduced to writing and copies delivered to the sex offender, the county sheriff, and the state's attorney, each of whom shall acknowledge receipt of the waiver, in writing, to the school board. No person may be convicted of a violation of section 1 of this Act if the school board has issued a waiver to that person and if the person did nothing that was in violation of section 1 of this Act or contrary to any restriction, limitation, or condition of that waiver.

Section 4. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as follows:

Any school board may, in its sole discretion, revoke any waiver or impose any new or modified reasonable restriction, limitation, or condition on any waiver issued pursuant to section 3 of this Act. To be effective, any revocation or modification of a waiver pursuant to this section shall be reduced to writing and copies delivered to the sex offender, the county sheriff, and the state's attorney, each of whom shall acknowledge receipt of the revocation or modification of waiver, in writing, to the school board. Willful failure on the part of the sex offender to acknowledge receipt does not invalidate the revocation or modification of waiver if actual delivery occurred. No person may be convicted of a violation of section 1 of this Act for any act that is permitted by a waiver but not permitted because of a subsequent revocation or modification of waiver unless the revocation or modification of waiver was actuated in conformance to the provisions of this section.

Section 5. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as

follows:

No waiver may be issued pursuant to this Act that is not date-specific. No waiver may be issued pursuant to this Act that is not limited to a term of two years or less.