



# 2023 South Dakota Legislature

## Senate Bill 176

### ENROLLED

AN ACT

**ENTITLED An Act to modify certain requirements for removal from the sex offender registry.**

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

**Section 1. That chapter 22-24B be amended with a NEW SECTION:**

Notwithstanding §§ 22-24B-19 and 22-24B-19.1, an offender who is required to register in this state as a sex offender because of any crime committed in another jurisdiction, if that jurisdiction also requires anyone convicted of that crime to register as a sex offender, may petition to be removed from the registry of this state if the offender is eligible to be removed under the laws of the jurisdiction where the conviction occurred. In addition to the documentation required pursuant to § 22-24B-18, to be eligible to be removed under this section, the petitioner must provide a certified copy of the final order from the convicting jurisdiction removing the offender from the registry of the convicting jurisdiction.

**Section 2. That § 22-24B-17 be AMENDED:**

**22-24B-17.** Any person required to register under this chapter who is eligible to seek removal from the registry, as provided for in § 22-24B-19, 22-24B-19.1, or section 1 of this Act, may petition the circuit court in the county where the person resides for an order terminating the person's obligation to register. If the person seeking removal from the registry is not a resident of this state, but is required to register under other requirements of § 22-24B-2, then the person may petition the circuit court of any county of this state where the person is currently registered. The offender shall serve the petition and all supporting documentation on the state's attorney in the county where the offender is currently registered, the office of the prosecutor in the jurisdiction where the offense occurred, and the attorney general. The attorney general's office shall respond to each petition to request removal from the sex offender registry.

No person petitioning the court under this section for an order terminating the person's obligation to register is entitled to court appointed counsel, experts, or publicly funded witnesses.

**Section 3. That § 22-24B-20 be AMENDED:**

**22-24B-20.** If the court finds that all of the criteria described in § 22-24B-19, 22-24B-19.1, or section 1 of this Act have been met and that the petitioner is not likely to offend again, then the court may, in its discretion, enter an order terminating the petitioner's obligation to register in this state and require the removal of petitioner's name from the registry. However, if the court finds that the offender has provided false, misleading, or incomplete information in support of the petition, or failed to serve the petition and supporting documentation upon the respondent, then the petition may be denied. If the petition is denied, the petitioner may not file a subsequent petition for at least two years from the date the previous petition was denied.

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

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I certify that the attached Act originated in the:

Senate as Bill No. 176

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 176  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

\_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_,

2023 at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2023

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 2023  
at \_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State