

South Dakota Codified Laws

Title 22. Crimes

Chapter 22-24b. Sex Offender Registry

SDCL T. 22, Ch. 22-24B, Refs & Annos

Currentness

S D C L T. 22, Ch. 22-24B, Refs & Annos, SD ST T. 22, Ch. 22-24B, Refs & Annos

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South Dakota Codified Laws

Title 22. Crimes (Refs & Annos)

Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-1

22-24B-1. Sex crimes determined

Currentness

For the purposes of §§ 22-24B-2 to 22-24B-14, 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) Felony sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by an adult;
- (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2;
- (4) Incest if committed by an adult;
- (5) Possessing, distributing, or manufacturing child pornography as set forth in §§ 22-24A-35 to 22-24A-37, inclusive;
- (6) Sale of child pornography as set forth in § 22-24A-1;
- (7) Sexual exploitation of a minor as set forth in § 22-22-24.3;
- (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 previously set forth in § 22-22-30.1;
- (11) Felony indecent exposure as previously set forth in former § 22-24-1 or felony indecent exposure as set forth in § 22-24-1.2;
- (12) Solicitation of a minor as set forth in § 22-24A-5;

- (13) Felony indecent exposure as set forth in § 22-24-1.3;
- (14) Bestiality as set forth in § 22-22-42;
- (15) An attempt, conspiracy, or solicitation to commit any of the crimes listed in this section;
- (16) Any crime, court martial offense, or tribal offense committed in a place other than this state that constitutes a sex crime under this section if committed in this state;
- (17) Any federal crime, court martial offense, or tribal offense that constitutes a sex crime under federal law;
- (18) Any crime committed in another state if that state also requires anyone convicted of that crime register as a sex offender in that state;
- (19) If the victim is a minor:
 - (a) Any sexual acts between a jail employee and a detainee as set forth in § 22-22-7.6;
 - (b) Any sexual contact by a psychotherapist as set forth in § 22-22-28; or
 - (c) Any sexual penetration by a psychotherapist as set forth in § 22-22-29;
- (20) Intentional exposure to HIV infection as set forth in subdivision (1) of § 22-18-31;
- (21) First degree human trafficking as set forth in § 22-49-2 if the victim is a minor;
- (22) Second degree human trafficking as set forth in § 22-49-3 involving the prostitution of a minor;
- (23) Felony use or dissemination of visual recording or photographic device without consent and with intent to self-gratify, harass, or embarrass as set forth in § 22-21-4;
- (24) Manufacturing or distributing a child-like sex doll as set forth in § 22-24A-1.1; or
- (25) Felony conviction of purchasing or possessing a child-like sex doll as set forth in § 22-24A-3.1.

Credits

Source: SL 1994, ch 174, § 1; SL 1995, ch 123, § 1; SL 1997, ch 134, § 1; SL 1998, ch 136, § 4; SL 2002, ch 109, § 11; SL 2002, ch 110, § 1; SL 2003, ch 127, § 4; SL 2004, ch 153, § 1; SDCL § 22-22-30; SL 2005, ch 120, §§ 415, 416; SL 2006, ch 123, § 1; SL 2008, ch 110, § 1; SL 2010, ch 117, § 1; SL 2010, ch 119, § 9; SL 2015, ch 130, § 1; SL 2016, ch 126, § 1; SL 2020, ch 87, § 1; SL 2021, ch 98, § 5; SL 2024, ch 87, § 13.

S D C L § 22-24B-1, SD ST § 22-24B-1

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SDCL § 22-24B-1.1

22-24B-1.1. Business day defined

Currentness

For the purposes of this chapter, the term, business day, is defined to mean the same as subdivision 37-24-1(2).

Credits

Source: SL 2010, ch 118, § 5.

S D C L § 22-24B-1.1, SD ST § 22-24B-1.1

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SDCL § 22-24B-2

22-24B-2. Registration of convicted sex offenders--Time limit--Violation as felony--Discharge

Currentness

Any person who has been convicted for commission of a sex crime, as defined in § 22-24B-1, shall register in person as a sex offender. The term, convicted, includes a verdict or plea of guilty, a plea of nolo contendere, and a suspended imposition of sentence which has not been discharged pursuant to § 23A-27-14 before July 1, 1995.

Any juvenile fourteen years or older at the time of the offense shall register as a sex offender if that juvenile has been adjudicated of rape as defined in subdivision 22-24B-1(1), or of an out-of-state or federal offense that is comparable to the elements of the crime of rape or any crime committed in another state if the state also requires a juvenile adjudicated of that crime to register as a sex offender in that state. The term, adjudicated, includes a court's finding of delinquency, an admission, and a suspended adjudication of delinquency which has not been discharged pursuant to § 26-8C-4 before July 1, 2009.

The sex offender shall register within three business days of coming into any county to reside, temporarily domicile, attend school, attend postsecondary education classes, or work. Registration shall be with the chief of police of the municipality or the sheriff of the county in which the sex offender resides, temporarily domiciles, attends school, attends postsecondary education classes, or works. The sex offender shall notify the chief of police or sheriff if there is a change where the sex offender resides, attends school, or works. If the sex offender is not otherwise registered in the state, the sex offender shall register within three business days of coming into any county when the sex offender applies for or receives a South Dakota driver license, registers a motor vehicle, establishes a postal address, or registers to vote. A violation of this section is a Class 6 felony. Any person whose sentence is discharged pursuant to § 23A-27-14 after July 1, 1995, shall forward a certified copy of the 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 the 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.

Any juvenile whose suspended adjudication is discharged pursuant to § 26-8C-4 after July 1, 2009, shall forward a certified copy of the formal discharge by certified mail to the Division of Criminal Investigation and to local law enforcement where the juvenile is then registered under this section. Upon receipt of the notice, the juvenile shall be removed from the sex offender registry open to public inspection and shall be relieved of further registration requirements under this section.

Credits

Source: SL 1994, ch 174, § 2; SL 1995, ch 123, § 2; SL 1997, ch 135, § 1; SL 2002, ch 110, § 2; SDCL § 22-22-31; SL 2005, ch 120, §§ 415, 417; SL 2006, ch 123, § 2; SL 2009, ch 117, § 1; SL 2010, ch 118, § 1; SL 2010, ch 119, § 8; SL 2015, ch 131, § 1; SL 2016, ch 126, § 2.

S D C L § 22-24B-2, SD ST § 22-24B-2

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SDCL § 22-24B-2.1

22-24B-2.1. Three-tiered registry

Currentness

The sex offender registry consists of three tiers as provided for in §§ 22-24B-19 to 22-24B-19.2, inclusive. Placement in Tier III requires registrants to register throughout their lifetime. Placement in Tier II requires registrants to register for a minimum of twenty-five years. Placement in Tier I requires registrants to register for a minimum of five years.

Credits

Source: SL 2010, ch 119, § 7; SL 2024, ch 88, § 2.

S D C L § 22-24B-2.1, SD ST § 22-24B-2.1

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SDCL § 22-24B-3

22-24B-3. Work defined

Currentness

As used in § 22-24B-2, the term, work, includes employment that is full-time or part-time for a period of time exceeding fourteen days or for an aggregate period of time exceeding thirty days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

Credits

Source: SL 2005, ch 120, § 424.

S D C L § 22-24B-3, SD ST § 22-24B-3

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SDCL § 22-24B-4

22-24B-4. Attends school and attends classes defined

Currentness

As used in § 22-24B-2, the term, attends school, and the term, attends classes, refer to any person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.

Credits

Source: SL 2005, ch 120, § 425.

S D C L § 22-24B-4, SD ST § 22-24B-4

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SDCL § 22-24B-5

22-24B-5. Annual verification form mailed to registered offender--
Return of form--Failure to return form--Violation as felony

Currentness

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 § 22-24B-2. 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 6 felony.

Credits

Source: SL 1995, ch 123, § 3; SL 2002, ch 110, § 3; SDCL § 22-22-31.1; SL 2005, ch 120, § 415; SL 2006, ch 123, § 3.

S D C L § 22-24B-5, SD ST § 22-24B-5

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SDCL § 22-24B-6

22-24B-6. Commencement or change in enrollment or employment--
Report to local law enforcement--Time limit--Violation as felony

Currentness

Any person who is registered as required by § 22-24B-2 and who is employed, carries on a vocation, or attends postsecondary classes at an institution of higher education, institution of higher learning, or technical college in this state shall, within three business days of any commencement and within three business days of termination of enrollment or employment or change in employer, report to the chief of police or county sheriff where the institution is located and complete a registration update form. A violation of this section is a Class 6 felony.

Credits

Source: SL 2003, ch 125, § 1; SDCL § 22-22-31.3; SL 2005, ch 120, § 415; SL 2006, ch 123, § 5; SL 2010, ch 118, § 2; SL 2020, ch 61, § 53.

S D C L § 22-24B-6, SD ST § 22-24B-6

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SDCL § 22-24B-7

22-24B-7. Registration every six months--Violation as felony

Currentness

Any person who is subject to the provisions of § 22-24B-2 shall reregister every six months in the same manner as may be provided by law for initial registration. Such person shall reregister during the calendar month during which the registrant was born and six months following the person's birth month.

A violation of this section is a Class 6 felony.

Credits

Source: SL 2003, ch 126, § 1; SDCL § 22-22-31.4; SL 2005, ch 120, § 415; SL 2006, ch 123, § 6.

S D C L § 22-24B-7, SD ST § 22-24B-7

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SDCL § 22-24B-8

22-24B-8. Information required for sex offender registration--DNA sample--Violation as felony

Currentness

The registration shall include the following information which, unless otherwise indicated, shall be provided by the offender:

- (1) Name, date of birth, and all aliases used;
- (2) Complete description, photographs, fingerprints and palm prints collected and provided by the registering agency;
- (3) Residence, length of time at that residence including the date the residence was established, and length of time expected to remain at that residence;
- (4) The type of sex crime convicted of;
- (5) The date of commission and the date of conviction of any sex crime committed;
- (6) Social Security number on a separate confidential form;
- (7) Driver license or identification card number, state of issuance, and a photocopy of the driver license or identification card;
- (8) Whether or not the registrant is receiving or has received any sex offender treatment;
- (9) Employer name, address, and phone number or school name, address, and phone number;
- (10) Length of employment or length of attendance at school;
- (11) Occupation or vocation;
- (12) Vehicle license plate number of any vehicle owned or regularly operated by the offender;

- (13) Information identifying any internet accounts of the offender as well as any user names, screen names, and aliases that the offender uses on the internet;
- (14) A listing of all felony convictions, in any jurisdiction, for crimes committed as an adult and sex offense convictions and adjudications subject to sex offender registry provided by the offender and confirmed by the registering agency;
- (15) A description of the offense, provided by the prosecuting attorney;
- (16) Acknowledgment whether the offender is currently an inmate, parolee, juvenile in department of corrections placement or under aftercare supervision, county or city jail inmate or detainee in a juvenile detention center, provided by the offender and confirmed by the administering body of the correctional facility;
- (17) Acknowledgment whether the offender is subject to community safety zone restrictions, provided by the registering agency;
- (18) The name, address and phone number of two local contacts, who have regular interaction with the offender and the name, address and phone number of the offender's next of kin;
- (19) Passport and any document establishing immigration status, including the document type and number along with a photocopy of the passport or immigration document; and
- (20) Any professional, occupational, business or trade license from any jurisdiction.

In addition, at the time of the offender's registration, the registering agency will collect a DNA sample and submit the sample to the South Dakota State Forensic Laboratory in accordance with procedures established by the South Dakota State Forensic Laboratory. The collection of DNA at the time of the registration is not required if the registering agency can confirm that DNA collection and submission to the South Dakota State Forensic Laboratory has already occurred.

Any failure by the offender to accurately provide the information required by this section is a Class 6 felony.

Credits

Source: SL 1994, ch 174, § 3; SL 1998, ch 134, § 2; SL 2003, ch 125, § 2; SDCL § 22-22-32; SL 2005, ch 120, § 415; SL 2006, ch 123, § 7; SL 2011, ch 117, § 3; SL 2016, ch 126, § 3.

S D C L § 22-24B-8, SD ST § 22-24B-8

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SDCL § 22-24B-8.1

22-24B-8.1. Annual confirmation by law enforcement of residence address

Currentness

The chief of police in the municipality in which the sex offender resides, or if no chief of police exists, the sheriff of the county, shall annually confirm that the address listed on the sex offender registry matches the residence of each registered sex offender. Such confirmation shall be submitted to the Division of Criminal Investigation.

Credits

Source: SL 2006, ch 123, § 4.

S D C L § 22-24B-8.1, SD ST § 22-24B-8.1

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SDCL § 22-24B-9

22-24B-9. Information from sex offender registry--Specifics included

Currentness

When a law enforcement official provides information from the sex offender registry, the information shall include the offender's name, address, the type of sex crime convicted of, and the date of the commission of the crime and the date of conviction of any sex crime committed.

Credits

Source: SL 1998, ch 134, § 1; SDCL § 22-22-32.1; SL 2005, ch 120, § 415.

S D C L § 22-24B-9, SD ST § 22-24B-9

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SDCL § 22-24B-10

22-24B-10. Registration forwarded to Division of Criminal Investigation--Files open to public--Exceptions

Currentness

Within three days of registering a person pursuant to §§ 22-24B-1 to 22-24B-14, inclusive, the registering law enforcement agency shall forward the information to the Division of Criminal Investigation. The Division of Criminal Investigation shall maintain a file of all the registrations and shall make them available to state, county, and municipal law enforcement agencies on a twenty-four hour basis. An offender's registration compliance status and registration information, other than the registrant's social security number, victim name, DNA sample, and the names, addresses, and phone numbers for local contacts and next of kin are public information. The provisions of §§ 23-5-11 and 23-6-14 do not apply to providing files pursuant to §§ 22-24B-1 to 22-24B-14, inclusive.

Credits

Source: SL 1994, ch 174, § 4; SL 1995, ch 123, § 4; SDCL § 22-22-33; SL 2005, ch 120, § 415; SL 2006, ch 123, § 8.

S D C L § 22-24B-10, SD ST § 22-24B-10

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SDCL § 22-24B-11

22-24B-11. Availability of sex offenders' files--Participation in National Sex Offender Public Registry

Currentness

The Division of Criminal Investigation may make the file available to any regional or national registry of sex offenders and shall participate in the National Sex Offender Public Registry maintained by the United States Department of Justice. The division shall accept files from any regional or national registry of sex offenders and shall make such files available when requested pursuant to §§ 22-24B-1 to 22-24B-14, inclusive.

Credits

Source: SL 1994, ch 174, § 4A; SDCL § 22-22-34; SL 2005, ch 120, § 415; SL 2006, ch 124, § 2.

S D C L § 22-24B-11, SD ST § 22-24B-11

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SDCL § 22-24B-12

22-24B-12. Written notice of new location or address required--Time limit--Violation as felony

Currentness

Any person who is required to register as a sex offender pursuant to the provisions of this chapter, and who moves to a different location or residence address shall inform the law enforcement agency where the person last registered of the person's new location or address, in writing, within three business days. The law enforcement agency shall, within three days of receipt of the person's information under this section, forward the information to the Division of Criminal Investigation and to the law enforcement agency having jurisdiction over the person's new location or residence. A failure to register pursuant to this section is a Class 6 felony for a first offense. Any second or subsequent violation of the provisions of this section is a Class 5 felony.

Credits

Source: SL 1994, ch 174, § 5; SL 2002, ch 110, § 4; SDCL § 22-22-36; SL 2005, ch 120, § 415; SL 2006, ch 123, § 9; SL 2008, ch 111, § 1; SL 2011, ch 117, § 1; SL 2018, ch 133, § 1.

S D C L § 22-24B-12, SD ST § 22-24B-12

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SDCL § 22-24B-12.1

22-24B-12.1. Second or subsequent convictions

Currentness

Any person who has been convicted of, or entered a plea of guilty to, one or more violations of § 22-24B-2, 22-24B-5, 22-24B-6, 22-24B-7, 22-24B-8 or 22-24B-12 is guilty of a Class 5 felony for any second or subsequent conviction of § 22-24B-2, 22-24B-5, 22-24B-6, 22-24B-7, 22-24B-8 or 22-24B-12.

Credits

Source: SL 2006, ch 123, § 10.

S D C L § 22-24B-12.1, SD ST § 22-24B-12.1

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SDCL § 22-24B-12.2

22-24B-12.2. Notice in person of new location or address outside of state--Time limit--Violation as felony

Currentness

Any person who is required to register as a sex offender pursuant to the provisions of this chapter and who intends to move to a different location or residence address outside of the state, shall inform the law enforcement agency where the person last registered of the person's new location or address, in person pursuant to the provisions of § 22-24B-2, not less than three business days prior to leaving the state. The law enforcement agency shall, within three days of the receipt of the person's information under this section, forward the information to the Division of Criminal Investigation and to the law enforcement agency having jurisdiction over the person's new location or residence. A failure to register pursuant to this section is a Class 6 felony for a first offense. Any second or subsequent violation of the provisions of this section is a Class 5 felony.

Credits

Source: SL 2018, ch 133, § 2.

S D C L § 22-24B-12.2, SD ST § 22-24B-12.2

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SDCL § 22-24B-13

22-24B-13. Duty of institutions to inform convicted sex offenders
of registration requirements and community safety zone restrictions

Currentness

Any person required to register pursuant to §§ 22-24B-1 to 22-24B-14, inclusive, who is discharged or paroled or temporarily released from an institution of the Department of Corrections or the Department of Human Services or the Department of Social Services or from any jail or other facility in this state where the person was confined because of a conviction of an offense as described in § 22-24B-1 shall, prior to discharge, parole, furlough, work release, or similar program outside the facility, or release, be informed of the duty to register under §§ 22-24B-1 to 22-24B-14, inclusive, and informed of community safety zone restrictions, by the institution in which the person was confined. The institution shall require the person to read and sign any forms as may be required by the Division of Criminal Investigation stating that the duty to register, community safety zone restrictions, and the procedure for registration have been explained. The institution shall obtain the address where the person plans to reside upon discharge, parole, furlough, work release, or similar program outside the facility, or release and shall report the address to the Division of Criminal Investigation. The institution shall give one copy of the form to the person and shall send one copy to the Division of Criminal Investigation and one copy to the law enforcement agency having jurisdiction where the person plans to reside upon discharge, parole, furlough, work release, or similar program outside the facility, or release, and one copy to the office of the state's attorney in the county in which the person was convicted.

Credits

Source: SL 1994, ch 174, § 7; SL 1995, ch 123, § 9; SDCL § 22-22-38; SL 2005, ch 120, § 415; SL 2006, ch 125, § 8; SL 2011, ch 1 (Ex. Ord. 11-1), § 134, eff. Apr. 12, 2011.

S D C L § 22-24B-13, SD ST § 22-24B-13

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SDCL § 22-24B-14

22-24B-14. Duty of court to inform sexual offenders of registration requirement and community safety zone restrictions

Currentness

Any person required to register pursuant to §§ 22-24B-1 to 22-24B-14, inclusive, who is released on probation because of the commission or attempt to commit one of the offenses as described in § 22-24B-1 shall, prior to release be informed of the duty to register under §§ 22-24B-1 to 22-24B-14, inclusive, and informed of community safety zone restrictions, by the court in which the person was convicted. The court shall require the person to read and sign any forms as may be required by the Division of Criminal Investigation stating that the duty to register, community safety zone restrictions, and the procedure for registration have been explained. The court shall obtain the address where the person plans to reside upon release and shall report the address to the Division of Criminal Investigation. The court shall give one copy of the form to the person and shall send one copy to the Division of Criminal Investigation and one copy to the law enforcement agency having jurisdiction where the person plans to reside upon release.

Credits

Source: SL 1994, ch 174, § 8; SL 1995, ch 123, § 10; SDCL § 22-22-39; SL 2005, ch 120, § 415; SL 2006, ch 125, § 9.

S D C L § 22-24B-14, SD ST § 22-24B-14

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SDCL § 22-24B-15

22-24B-15. Registration records and lists as public records--Confidentiality of victim identifying information

Currentness

Any registration record collected by local law enforcement agencies pursuant to this chapter, registration lists provided to local law enforcement by the Division of Criminal Investigation, and records collected by institutions pursuant to § 22-24B-13 for those persons required to register under the provisions of §§ 22-24B-1 to 22-24B-14, inclusive, is a public record as provided in chapter 1-27.

Nothing in this section permits the release of the name or any identifying information regarding the victim of the crime to any person other than law enforcement agencies, and such victim identifying information is confidential.

Credits

Source: SL 1995, ch 123, § 5; SDCL § 22-22-40; SL 2005, ch 120, §§ 415, 419.

S D C L § 22-24B-15, SD ST § 22-24B-15

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SDCL § 22-24B-16

22-24B-16. Penalties for crime committed as result of information from sex offender registry

Currentness

Any person who commits any crime as a result of information gained through the sex offender registry or through public information kept pursuant to § 22-24B-15 is guilty of a Class 6 felony. Such liability is in addition to any other civil or criminal penalties.

Credits

Source: SL 1995, ch 123, § 6; SDCL § 22-22-41; SL 2005, ch 120, § 415.

S D C L § 22-24B-16, SD ST § 22-24B-16

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-17

22-24B-17. Petition for removal from sex offender registry--Service--Response

Currentness

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 22-24B-19.4, 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.

Credits

Source: SL 2005, ch 120, § 420; SL 2010, ch 119, § 6; SL 2023, ch 72, § 2.

S D C L § 22-24B-17, SD ST § 22-24B-17

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-18

22-24B-18. Petition and documentation--Contents

Currentness

The petition and documentation to support the request for removal from the sex offender registry shall include:

- (1) The information required for registration of convicted sex offenders in § 22-24B-8;
- (2) A detailed description of the sex crime that was the basis for the offender to register;
- (3) A certified copy of judgment of conviction or other sentencing document; and
- (4) The offender's criminal record and a detailed description of those offenses.

Credits

Source: SL 2005, ch 120, § 421.

S D C L § 22-24B-18, SD ST § 22-24B-18

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-19

22-24B-19. Criteria for removal--Tier I offender

Currentness

To be eligible for removal from the registry as a Tier I offender, the petitioner must show, by clear and convincing evidence, that all of the following criteria have been met:

- (1) At least five years have elapsed since the date the petitioner first registered pursuant to this chapter;
- (2) The crime requiring registration was for:
 - (a) Statutory rape under subdivision 22-22-1(5), or an attempt to commit statutory rape under subdivision 22-22-1(5), but only if the petitioner was twenty-one years of age or younger at the time the offense was committed or attempted;
 - (b) A juvenile adjudication for a sex crime as defined in subdivision 22-24B-1(1);
 - (c) Sexual contact under § 22-22-7 if the victim was between the ages of thirteen and sixteen and the petitioner was at least three years older than the victim, but only if the petitioner was twenty-one years of age or younger at the time the offense was committed;
 - (d) Felony use or dissemination of any image or recording without consent under § 22-21-4; or
 - (e) An out-of-state, federal or court martial offense that is comparable to the elements of the crimes listed in subsections (2)(a), (2)(b), (2)(c), or (2)(d);
- (3) The circumstances surrounding the crime requiring registration did not involve a child under the age of thirteen;
- (4) The petitioner is not a recidivist sex offender;
- (5) The petitioner has substantially complied in good faith with the registration and re-registration requirements imposed under chapter 22-24B; and
- (6) Petitioner demonstrates to the satisfaction of the court that petitioner does not pose a risk or danger to the community.

For purposes of this section, any period of time during which the petitioner was incarcerated or during which the petitioner was confined in a mental health facility does not count toward the five-year calculation, regardless of whether the incarceration or confinement was for the sex offense requiring registration or for some other offense.

Credits

Source: SL 2005, ch 120, § 422; SL 2010, ch 119, § 1; SL 2016, ch 127, § 1; SL 2020, ch 87, § 3; SL 2024, ch 88, § 1.

S D C L § 22-24B-19, SD ST § 22-24B-19

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-19.1

22-24B-19.1. Criteria for removal from registry as Tier II offender

Currentness

To be eligible for removal from the registry as a Tier II offender, the petitioner shall show, by clear and convincing evidence, that all of the following criteria have been met:

- (1) At least twenty-five years have elapsed since the date the petitioner first registered pursuant to this chapter;
- (2) The crime requiring registration was for:
 - (a) Incest as defined in § 22-22A-2; or
 - (b) An out-of-state, federal or court martial offense that is comparable to the elements of incest as defined in § 22-22A-2; or
 - (c) Bestiality as set forth in § 22-22-42;
- (3) The circumstances surrounding the crime requiring registration did not involve a child under the age of thirteen;
- (4) The petitioner is not a recidivist sex offender;
- (5) The petitioner has substantially complied in good faith with the registration and re-registration requirements imposed under chapter 22-24B; and
- (6) Petitioner demonstrates to the satisfaction of the court that he or she does not pose a risk or danger to the community.

For purposes of this section, any period of time during which the petitioner was incarcerated or during which the petitioner was confined in a mental health facility does not count toward the twenty-five year calculation, regardless of whether such incarceration or confinement was for the sex offense requiring registration or for some other offense.

Credits

Source: SL 2010, ch 119, § 2.

S D C L § 22-24B-19.1, SD ST § 22-24B-19.1

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Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-19.2

22-24B-19.2. Tier III offender defined

Currentness

Any person, who is on the sex offender registry and who is not eligible for removal pursuant to §§ 22-24B-19 and 22-24B-19.1, is a Tier III offender.

Credits

Source: SL 2010, ch 119, § 3.

S D C L § 22-24B-19.2, SD ST § 22-24B-19.2

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-19.3

22-24B-19.3. Recidivist sex offender defined

Currentness

A recidivist sex offender is a person who has been convicted or adjudicated for more than one sex crime listed in § 22-24B-1, regardless of when those convictions or adjudications occurred. However, no person is a recidivist sex offender unless the person committed the second sex crime after having been convicted or adjudicated of a previous sex crime. For purposes of this section, a conviction or adjudication includes a verdict or plea of guilty; a verdict or plea of guilty but mentally ill; a plea of nolo contendere; a suspended imposition of sentence granted under § 23A-27-13, regardless of whether it has been discharged; a deferred prosecution agreement entered by a prosecutor; and a determination made in another state, federal jurisdiction, or courts martial that is comparable to any of these events.

Credits

Source: SL 2010, ch 119, § 4.

S D C L § 22-24B-19.3, SD ST § 22-24B-19.3

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Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-19.4

22-24B-19.4. Criteria for removal from registry--Removed from out-of-state registry

Currentness

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.

Credits

Source: SL 2023, ch 72, § 1.

S D C L § 22-24B-19.4, SD ST § 22-24B-19.4

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-20

22-24B-20. Order for removal of name from sex offender registry--Denial of petition

Currentness

If the court finds that all of the criteria described in § 22-24B-19, 22-24B-19.1, or 22-24B-19.4 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.

Credits

Source: SL 2005, ch 120, § 423; SL 2010, ch 119, § 5; SL 2023, ch 72, § 3.

S D C L § 22-24B-20, SD ST § 22-24B-20

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-21

22-24B-21. Internet site with sex offender registration information--
Division and registering agency not liable for good faith conduct

Currentness

The Division of Criminal Investigation shall post and maintain on an internet site sex offender registration information including offender name, physical description and photograph, address, type of sex crime convicted of, previous convictions requiring registration as defined in § 22-24B-1, dates of commission and the dates of conviction of any sex crime committed, community safety zone restrictions, offense description, and the offender's status as an inmate, parolee, or person who has completed their correctional placement.

The division shall update sex offender registration information on the internet site within three business days of receipt from the registering agency. The division and the registering agency are not civilly or criminally liable for good faith conduct under this section or § 22-24B-11.

Credits

Source: SL 2006, ch 124, § 1; SL 2011, ch 117, § 2.

S D C L § 22-24B-21, SD ST § 22-24B-21

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South Dakota Codified Laws

Title 22. Crimes (Refs & Annos)

Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-22

22-24B-22. Definitions

Currentness

Terms used in §§ 22-24B-22 to 22-24B-28, inclusive, mean:

- (1) “Community safety zone,” the measurement of a straight line that creates an area that lies within five hundred feet from the facilities and grounds of any school, public park, public playground, domestic abuse shelter, sexual assault shelter, or public pool, including the facilities and grounds itself;
- (2) “Loiter,” to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting minors;
- (3) “School,” any public, private, denominational, or parochial school offering preschool, kindergarten, or any grade from one through twelve accredited through the Department of Education. This term does not apply to any facility where the education of students might occur incidentally to the primary purpose of the facility;
- (4) “Residence,” the address a person lists for purposes of the sex offender registry under subdivision 22-24B-8(3) and § 22-24B-12.

Credits

Source: SL 2006, ch 125, § 1; SL 2018, ch 133, § 3; SL 2021, ch 99, § 1; SL 2024, ch 89, § 1.

S D C L § 22-24B-22, SD ST § 22-24B-22

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-23

22-24B-23. Restrictions on residence within community safety zone--Violation as felony

Currentness

No person who is required to register as a sex offender pursuant to this chapter may establish a residence or reside within a community safety zone unless:

- (1) The person is incarcerated in a jail or prison or other correctional placement which is located within a community safety zone;
- (2) The person is on parole or probation and has been assigned to a halfway house or supervised living center within a community safety zone;
- (3) The person is homeless and has been admitted to a community homeless shelter within a community safety zone by an appropriate community official;
- (4) The person is placed in a health care facility licensed pursuant to chapter 34-12, or certified under Title XVIII or XIX of the Social Security Act as amended to December 31, 2001, or receiving services from a community service provider accredited or certified by the Department of Human Services or the Department of Social Services, which is located within a community safety zone;
- (5) The person was under age eighteen at the time of the offense and the offender was not tried and convicted of the offense as an adult;
- (6) The person established and inhabited the residence as of July 1, 2024;
- (7) The school, public park, public pool, domestic abuse shelter, sexual assault shelter, or public playground was built or established subsequent to the person's establishing residence at the location; or
- (8) The circuit court has entered an order pursuant to § 22-24B-28 exempting the offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.

A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5 felony.

Credits

Source: SL 2006, ch 125, § 2; SL 2010, ch 120, § 1; SL 2011, ch 1 (Ex. Ord. 11-1), § 134, eff. Apr. 12, 2011; SL 2012, ch 128, § 1; SL 2018, ch 134, § 2; SL 2024, ch 89, § 2.

S D C L § 22-24B-23, SD ST § 22-24B-23

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-23.1

22-24B-23.1. Secondary registered location or address--Notification of law enforcement--Violation as misdemeanor

Currentness

Any person who travels to a secondary registered location or address that is located in the community safety zone, and inhabits the location for more than twenty-four hours shall verbally notify the law enforcement of jurisdiction prior to arriving at the location or residence. A violation of this section is a Class 1 misdemeanor.

Credits

Source: SL 2018, ch 134, § 1.

S D C L § 22-24B-23.1, SD ST § 22-24B-23.1

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Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-24

22-24B-24. Loitering within community safety zone or public library prohibited--Exception--Violation as felony

Currentness

No person who is required to register as a sex offender as defined in this chapter may loiter within a community safety zone or a public library unless the person was under age eighteen at the time of the offense and the offender was not tried and convicted of the offense as an adult or the circuit court has entered an order pursuant to § 22-24B-28 exempting the offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.

A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5 felony.

Credits

Source: SL 2006, ch 125, § 3; SL 2014, ch 110, § 1.

S D C L § 22-24B-24, SD ST § 22-24B-24

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-25

22-24B-25. Inconsistent local ordinances on residence and community access prohibited

Currentness

No city, county, municipality, or township may, by local ordinance, restrict or mitigate residence or community access for convicted sex offenders inconsistent with the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.

Credits

Source: SL 2006, ch 125, § 4.

S D C L § 22-24B-25, SD ST § 22-24B-25

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-26

22-24B-26. Petition for order of exemption from safety zone restrictions--Contents--Service--Response

Currentness

An offender subject to community safety zone restrictions pursuant to §§ 22-24B-22 to 22-24B-28, inclusive, who is eligible to seek exemption from these restrictions as provided for in § 22-24B-27 may petition the circuit court in the county where the person resides for an order to terminate the person's obligation to comply with the community safety zone restrictions. The offender shall serve the petition and all supporting documentation on the state's attorney in the county where the offender currently resides, the office of the prosecutor in the jurisdiction where the offense occurred, and the Office of the Attorney General. The state's attorney in the county where the offender currently resides shall respond to each petition to request exemption from the community safety zone restrictions.

No person petitioning the court under this section for an order terminating the person's obligation to comply with community safety zone restrictions is entitled to court appointed counsel, publicly funded experts, or publicly funded witnesses.

The petition and documentation to support the request for exemption from the community safety zone restrictions shall include:

- (1) All information required for registration of convicted sex offenders in § 22-24B-8;
- (2) A detailed description of the sex crime that was the basis for the offender to be subject to community safety zone restrictions;
- (3) A certified copy of judgment of conviction or other sentencing document; and
- (4) The offender's criminal record.

The court may request that the petitioner provide additional information if the information provided is incomplete or if the court desires more information relative to the request for exemption.

Credits

Source: SL 2006, ch 125, § 5.

S D C L § 22-24B-26, SD ST § 22-24B-26

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-27

22-24B-27. Community safety zone--Exemption--Eligibility

Currentness

To be eligible for exemption from the community safety zone restrictions, the petitioner shall show, by clear and convincing evidence, the following:

- (1) That at least ten years have elapsed since the date the petitioner was convicted of the offense that subjected the petitioner to community safety zone restrictions pursuant to §§ 22-24B-22 to 22-24B-28, inclusive. For purposes of this subdivision, any period of time during which the petitioner was incarcerated or during which the petitioner was confined in a mental health facility or during which the petitioner was on probation or parole supervision does not count toward the ten-year calculation, regardless of whether such incarceration, confinement or community supervision was for the sex offense requiring registration or for some other offense;
- (2) That the petitioner is not a recidivist sex offender. A recidivist sex offender is a person who has been convicted or adjudicated for more than one sex crime listed in § 22-24B-1, regardless of when those convictions or adjudications occurred. For purposes of this subdivision and subdivision (1) of this section, a conviction or adjudication includes a verdict or plea of guilty; a verdict or plea of guilty but mentally ill; a plea of nolo contendere; a suspended imposition of sentence granted under § 23A-27-13, regardless of whether it has been discharged; a deferred prosecution agreement entered by a prosecutor; and a determination made in another state, federal jurisdiction, or courts martial that is comparable to any of these events;
- (3) That the petitioner has completely and truthfully complied with the registration and reregistration requirements imposed under this chapter;
- (4) That the petitioner has actually resided in South Dakota at least ten consecutive years immediately prior to the filing of the petition. Residence as used in this subdivision does not mean the registration address of an incarcerated sex offender; and
- (5) The circumstances of the crime subjecting the offender to community safety zone restrictions did not involve a child under age thirteen.

Credits

Source: SL 2006, ch 125, § 6; SL 2020, ch 87, § 2.

S D C L § 22-24B-27, SD ST § 22-24B-27

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-28

22-24B-28. Order granting or denying petition--Restrictions on subsequent petition

Currentness

If the court finds that all of the criteria provided for in § 22-24B-27 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 comply with the community safety zone restrictions of this state. However, if the court finds that the offender has provided false or misleading information in support of the petition, or failed to serve the petition and supporting documentation upon the parties provided for in § 22-24B-26, then the petition shall 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. The court shall forward any order terminating the petitioner's obligation to comply with community safety zone restrictions to the Division of Criminal Investigation.

Credits

Source: SL 2006, ch 125, § 7.

S D C L § 22-24B-28, SD ST § 22-24B-28

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-29

22-24B-29. Summary description of offense forwarded to or developed by Division of Criminal Investigation

Currentness

If any person is convicted of a sex crime as defined in § 22-24B-1 that is subject to sex offender registration requirements as defined in §§ 22-24B-2 to 22-24B-14, inclusive, the prosecuting attorney shall prepare a summary description of the offense and forward this to the Division of Criminal Investigation for inclusion on the sex offender registry.

Any person who, on July 1, 2006, is subject to sex offender registration or is subject to sex offender registration as a result of a foreign criminal conviction, may have a summary description of the offense developed by the Division of Criminal Investigation and entered on the registry, if the information is available.

The term, foreign criminal conviction, as used in this section and § 22-24B-31, means any conviction issued by a court of competent jurisdiction of another state, federal court, Indian tribe, the District of Columbia, or a commonwealth, territory, or possession of the United States which is enforceable as if the order was issued by a court in this state.

Nothing in this section allows the release of the name of the victim of the crime to any person other than law enforcement agencies, and the name of the victim is confidential.

Credits

Source: SL 2006, ch 121, § 9.

S D C L § 22-24B-29, SD ST § 22-24B-29

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-30

22-24B-30. Inmate and juvenile offender registration--Time limit--
Submission to Division of Criminal Investigation--Notice of change of status

Currentness

Any person required to register pursuant to §§ 22-24B-1 to 22-24B-14, inclusive, who is incarcerated or is a juvenile offender committed to the Department of Corrections, shall register within three business days of admission to the correctional facility or commitment to the Department of Corrections.

The Department of Corrections or administering authority of the county or city jail or juvenile detention center shall submit required sex offender registrations to the Division of Criminal Investigation.

The administering authority of the correctional facility shall notify the Division of Criminal Investigation if a person required to register changes status from an inmate to parolee or probationer or if an inmate is transferred to a different address, informing the division of the date of transfer and address of the new location.

Credits

Source: SL 2006, ch 121, § 10; SL 2010, ch 118, § 3.

S D C L § 22-24B-30, SD ST § 22-24B-30

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South Dakota Codified Laws
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Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-31

22-24B-31. Foreign criminal conviction registration--Time limit--Violation as felony

Currentness

Any person with a foreign criminal conviction, which requires the person to register either as a sex offender pursuant to § 22-24B-2, pursuant to the laws of the state where the conviction took place, or pursuant to any court order, shall be required to register within three business days of their arrival in South Dakota. A violation of this section is a Class 4 felony.

Credits

Source: SL 2006, ch 121, § 11; SL 2010, ch 118, § 4.

S D C L § 22-24B-31, SD ST § 22-24B-31

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-32

22-24B-32. Immunity from liability for certain good faith conduct

Currentness

No law enforcement agency, employee of any law enforcement agency, employee or official of any state and county agency and person contracting or appointed to perform services under §§ 22-24B-2, 22-24B-5 to 22-24B-8.1, inclusive, 22-24B-10, 22-24B-12, 23A-27-12.1, or 24-15A-24 is civilly or criminally liable for good faith conduct under §§ 22-24B-2, 22-24B-5 to 22-24B-8.1, inclusive, 22-24B-10, 22-24B-12, 23A-27-12.1, or 24-15A-24.

Credits

Source: SL 2006, ch 123, § 14.

S D C L § 22-24B-32, SD ST § 22-24B-32

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South Dakota Codified Laws
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Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-33

22-24B-33. Eligibility for removal from registry of registrant who has committed out-of-state offense

Currentness

No sex offender registrant, who has committed a registerable offense in some other state is eligible to petition to request removal from the sex offender registry in South Dakota unless the sex offender registrant is also eligible to petition, under substantially equivalent provisions, to request removal from the sex offender registry in the state in which the registerable offense occurred.

Credits

Source: SL 2010, ch 121, § 1.

S D C L § 22-24B-33, SD ST § 22-24B-33

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-34

22-24B-34. Eligibility of registrant who has committed out-of-state offense to establish in-state residence

Currentness

No sex offender registrant, who has committed a registerable offense in some other state is eligible to establish a residence or reside outside a community safety zone in South Dakota unless the sex offender registrant would also be eligible to establish a residence or reside in a substantially equivalent location in the state in which the offense occurred pursuant to the community safety zone statutes in the state in which the offense occurred.

Credits

Source: SL 2010, ch 121, § 2.

S D C L § 22-24B-34, SD ST § 22-24B-34

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-35

22-24B-35. Registered sex offender not eligible to circulate certain nominating petitions

Currentness

No registered sex offender is eligible to circulate certain nominating petitions pursuant to §§ 12-1-32 to 12-1-34, inclusive.

Credits

Source: SL 2012, ch 80, § 4.

S D C L § 22-24B-35, SD ST § 22-24B-35

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-36

22-24B-36. Sex offender to report change in vehicle registration

Currentness

A sex offender shall report, within three business days, any change in the registration status of a vehicle the offender owns, to the authority specified in § 22-24B-2. A violation of this section is a Class 1 misdemeanor.

Credits

Source: SL 2015, ch 132, § 1.

S D C L § 22-24B-36, SD ST § 22-24B-36

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South Dakota Codified Laws
Title 22. Crimes (Refs & Annos)
Chapter 22-24b. Sex Offender Registry (Refs & Annos)

SDCL § 22-24B-37

22-24B-37. Report of intention to travel outside United States--Violation as misdemeanor

Currentness

Any person who is required to register as a sex offender pursuant to the provisions of this chapter shall report that person's intention to travel outside of the United States at least twenty-one days in advance of the travel to the chief of police or county sheriff. The law enforcement officer shall complete a notification of international travel of sex offender form and forward the form to the United States Marshals Service National Sex Offender Targeting Center and to the Division of Criminal Investigation. A violation of the provisions of this section is a Class 1 misdemeanor.

Credits

Source: SL 2016, ch 126, § 4; SL 2018, ch 133, § 4.

S D C L § 22-24B-37, SD ST § 22-24B-37

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