

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

943R0143

SENATE BILL NO. 6

Introduced by: Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson,
and Sly at the request of the Interim Sex Offender Registry Committee

1 FOR AN ACT ENTITLED, An Act to revise the criteria for removal from the sex offender
2 registry.

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

4 Section 1. That § 22-24B-19 be amended to read as follows:

5 22-24B-19. To be eligible for removal from the registry, the petitioner shall show, by clear
6 and convincing evidence, that all of the following criteria have been met:

7 (1) At least ten years have elapsed since the date the petitioner first registered pursuant
8 to this chapter. For purposes of this subdivision, any period of time during which the
9 petitioner was incarcerated or during which the petitioner was confined in a mental
10 health facility does not count toward the ten-year calculation, regardless of whether
11 such incarceration or confinement was for the sex offense requiring registration or
12 for some other offense;

13 (2) The crime requiring registration was for:

14 (a) Statutory rape under subdivision 22-22-1(5), or an attempt to commit statutory
15 rape under subdivision 22-22-1(5), but only if the petitioner was twenty-one



1 years of age or younger at the time the offense was committed;

2 (b) A juvenile adjudication for a sex crime as defined in § 22-24B-1(1), 22-24B-
3 1(9), or 22-22-7.2 ; or

4 (c) An out-of-state, federal or court martial offense that is comparable to the
5 elements of the crimes listed in (a) or (b);

6 (3) The circumstances surrounding the crime requiring registration did not involve a
7 child under the age of thirteen;

8 (4) The petitioner is not a recidivist sex offender. A recidivist sex offender is a person
9 who has been convicted or adjudicated for more than one sex crime listed in
10 subdivisions 22-24B-1(1) to (17), inclusive, regardless of when those convictions or
11 adjudications occurred. For purposes of this subdivision, a conviction or adjudication
12 includes a verdict or plea of guilty; a verdict or plea of guilty but mentally ill; a plea
13 of nolo contendere; a suspended imposition of sentence granted under § 23A-27-13,
14 regardless of whether it has been discharged; a deferred prosecution agreement
15 entered by a prosecutor; and a determination made in another state, federal
16 jurisdiction, or courts martial that is comparable to any of these events; and

17 (5) The petitioner has ~~completely and truthfully~~ substantially complied in good faith with
18 the registration and re-registration requirements imposed under chapter 22-24B.