

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

358R0140

SENATE BILL NO. 9

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 limit misdemeanor eligibility for registration on the sex
2 offender registry.

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

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

5 22-24B-1. For the purposes of §§ 22-24B-2 to 22-24B-14, inclusive, a sex crime is any of
6 the following crimes regardless of the date of the commission of the offense or the date of
7 conviction:

8 (1) Rape as set forth in § 22-22-1;

9 (2) Felony sexual contact with a minor under sixteen as set forth in § 22-22-7 if
10 committed by an adult;

11 (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2;

12 (4) Incest if committed by an adult;

13 (5) Possessing, manufacturing, or distributing child pornography as set forth in § 22-
14 24A-3;

15 (6) Sale of child pornography as set forth in § 22-24A-1;



- 1 (7) Sexual exploitation of a minor as set forth in § 22-22-24.3;
- 2 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- 3 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2);
- 4 (10) Criminal pedophilia as previously set forth in § 22-22-30.1;
- 5 (11) Felony indecent exposure as previously set forth in former § 22-24-1 or felony
- 6 indecent exposure as set forth in § 22-24-1.2;
- 7 (12) Solicitation of a minor as set forth in § 22-24A-5;
- 8 (13) Felony indecent exposure as set forth in § 22-24-1.3;
- 9 (14) Bestiality as set forth in § 22-22-42;
- 10 (15) An attempt to commit any of the crimes listed in this section;
- 11 (16) Any crime committed in a place other than this state which would constitute a sex
- 12 crime under this section if committed in this state;
- 13 (17) Any federal crime or court martial offense that would constitute a sex crime under
- 14 federal law;
- 15 (18) Any crime committed in another state if that state also requires that anyone convicted
- 16 of that crime register as a sex offender in that state; or
- 17 (19) If the victim is a minor:
 - 18 (a) Any sexual acts between a jail employee and a detainee as set forth in § 22-22-
 - 19 7.6;
 - 20 (b) Any sexual contact by a psychotherapist as set forth in § 22-22-28; or
 - 21 (c) Any sexual penetration by a psychotherapist as set forth in § 22-22-29;
- 22 (20) Intentional exposure to HIV infection as set forth in subdivision (1) of § 22-18-31.