

# ***Adult Sex Offender Registration Requirements***

## ***SOUTH DAKOTA***

### **Requirements**

<b>Registrable Offenses</b>	<ul style="list-style-type: none"> <li>• Rape</li> <li>• Sexual contact with a minor under 16, if committed by an adult and the adult is convicted of a felony</li> <li>• Sexual contact with a person incapable of consenting, if committed by an adult</li> <li>• Possessing, manufacturing, or distributing child pornography</li> <li>• Sale of child pornography</li> <li>• Sexual exploitation of a minor</li> <li>• Kidnapping, if the victim of the criminal act is a minor</li> <li>• Promotion of prostitution of a minor</li> <li>• Solicitation of a minor</li> <li>• Bestiality</li> <li>• Indecent exposure</li> <li>• Indecent exposure involving a child</li> <li>• Any attempt to commit a crime listed above.</li> <li>• Any federal crime or court martial offense that would constitute a sex crime under federal law.</li> <li>• Any crime committed in another state if that state also requires that anyone convicted of that crime register as a sex offender in that state.</li> </ul> <p><i><u>If the victim is a minor:</u></i></p> <ul style="list-style-type: none"> <li>• Any sexual acts between a jail employee and a detainee</li> <li>• Any sexual contact by a psychotherapist</li> <li>• Any sexual penetration by a psychotherapist</li> </ul>
<b>Information Maintained in Sex Offender Registry</b>	<p><i>S.D.C.L. § 22-24B-8 (WEST 2008)</i></p> <p>The registration shall include the following information which, unless otherwise indicated, shall be provided by the offender:</p> <ol style="list-style-type: none"> <li>(1) Name and all aliases used;</li> <li>(2) Complete description, photographs, fingerprints and palm prints collected and provided by the registering agency;</li> <li>(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;</li> <li>(4) The type of sex crime convicted of;</li> <li>(5) The date of commission and the date of conviction of any sex crime committed;</li> <li>(6) Social Security number on a separate confidential form;</li> <li>(7) Driver license number and state of issuance;</li> <li>(8) Whether or not the registrant is receiving or has received any sex offender treatment;</li> <li>(9) Employer name, address, and phone number or school name, address, and phone number</li> <li>(10) Length of employment or length of attendance at school;</li> <li>(11) Occupation or vocation;</li> <li>(12) Vehicle license plate number of any vehicle owned by the offender;</li> <li>(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;</li> <li>(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;</li> <li>(15) A description of the offense, provided by the prosecuting attorney;</li> <li>(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;</li> <li>(17) Acknowledgment whether the offender is subject to community safety zone restrictions, provided by the registering agency; and</li> <li>(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.</li> </ol>

<b>Community Notification and Websites</b>	<i>S.D.C.L. § 22-24B-15 (West 2008)</i>
	Registration records 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 for those persons required to register are public records.
	<i>S.D.C.L. § 22-24B-21</i>
	The Division of Criminal Investigation shall post and maintain on an internet site sex offender registration information.
<b>Limitations on Residency or Employment</b>	<i>S.D.C.L. § 22-24B-23 (West 2008)</i>
	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: <ol style="list-style-type: none"> <li>(1) The person is incarcerated in a jail or prison or other correctional placement which is located within a community safety zone;</li> <li>(2) 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, which is located within a community safety zone;</li> <li>(3) 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;</li> <li>(4) The person established the residence prior to July 1, West 2008;</li> <li>(5) The school, public park, public pool, or public playground was built or established subsequent to the person's establishing residence at the location; or</li> <li>(6) 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.</li> </ol>
	<i>S.D.C.L. § 22-24B-24</i>
	Sex offenders also may not loiter in a community safety zone unless the offender was under 18 at the time of the offense.
<b>Duration of Registration</b>	<i>S.D.C.L. § 22-24B-19 (West 2008)</i>
	<ol style="list-style-type: none"> <li>(1) An offender may petition for removal from the sex offender registry after 10 years have elapsed</li> <li>(2) If: <ol style="list-style-type: none"> <li>(a) The registrable offense was statutory rape and the offender was 21 years of age or younger;</li> <li>(b) The offense was a juvenile adjudication for a sex crime;</li> </ol> </li> <li>(3) The crime did not involve a child under the age of 13;</li> <li>(4) The petitioner is not a repeat sex offender;</li> <li>(5) The offender has completely complied with registration</li> </ol>