

SOUTH DAKOTA SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

1,409 as of March 7, 2003.

1. WHO IS REQUIRED TO REGISTER?

Any person who has been convicted or who has received a suspended imposition of a sentence for commission of a sex crime must register.

(S.D. Codified Law § 22-22-31)

2. WHAT DOES “SEX CRIME” MEAN?

“Sex crime” means:

- (1) rape;
- (2) sexual contact with a minor under 16, if committed by an adult and the adult is convicted of a felony;
- (3) sexual contact with a person incapable of consenting, if committed by an adult;
- (4) incest, if committed by an adult;
- (5) possessing, manufacturing, or distributing child pornography;
- (6) selling child pornography;
- (7) sexual exploitation of a minor;
- (8) kidnapping, if the victim is a minor;
- (9) promotion of prostitution of a minor;
- (10) criminal pedophilia;
- (11) indecent exposure;
- (12) solicitation of a minor;
- (13) an attempt to commit an offense listed in (1) through (12) above;
- (14) any offense committed in a place other than South Dakota that would constitute a sex crime if committed in South Dakota;
- (15) any federal offense or court martial that would constitute a sex crime under federal law; or
- (16) any offense committed in another state if that state also requires anyone convicted of that offense to register as a sex offender.

(S.D. Codified Laws § 22-22-30)

3. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Any person who is a juvenile 15 or older and is adjudicated of rape, promotion of prostitution of a minor, or of felony sexual contact must register.

(S.D. Codified Law § 22-22-31)

4. WHEN AND WHERE DOES AN OFFENDER REGISTER?

An adult or juvenile offender must register within 10 days of coming into any county in South Dakota to reside, have a temporary domicile, attend school, or work. Registration takes place with the chief of police of the municipality in which the offender resides, has a temporary domicile, attends school, or works, or, if no chief of police exists, then with the county sheriff.

(S.D. Codified Law § 22-22-31)

5. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Registration includes the following information about the offender:

- (1) name and all aliases used;
- (2) complete description, photographs, and fingerprints;
- (3) residence, length of time at that residence, and length of time expected to remain at that residence;
- (4) the type of sex crime for which he or she was convicted; and
- (5) the date of commission and the date of conviction for any sex crime committed.

(S.D. Codified Law § 22-22-32)

6. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

An offender who is required to register and who moves to a different residence address must inform the law-enforcement agency with whom he or she last registered of the new address, in writing, within 10 days.

(S.D. Codified Law § 22-22-36)

7. WHAT HAPPENS IF AN OFFENDER MOVES FROM SOUTH DAKOTA TO ANOTHER STATE?

An offender who is required to register and who moves to a different residence address must inform the law-enforcement agency with whom he or she last registered of the new address, in writing, within 10 days.

(S.D. Codified Law § 22-22-36)

8. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO SOUTH DAKOTA REQUIRED TO REGISTER?

An offender must register within 10 days of coming into any county in South Dakota to reside or have a temporary domicile. Registration takes place with the chief of police of the municipality in which the offender resides or has a temporary domicile, or, if no chief of police exists, then with the county sheriff.

(S.D. Codified Law § 22-22-31)

9. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN SOUTH DAKOTA?

An offender must register within 10 days of coming into any county in South Dakota to work or attend school. Registration takes place with the chief of police of the municipality in which the offender works or attends school, or, if no chief of police exists, then with the county sheriff.

(S.D. Codified Law § 22-22-31)

10. IS REGISTRATION A LIFETIME REQUIREMENT?

Offenders must register for life; however, an offender who was placed on the sex-offender registry as a juvenile may petition the circuit court for removal from the registry upon a showing that he or she has not been adjudicated or convicted of any sex offense for at least 10 years and no longer constitutes a threat to reoffend.

(S.D. Codified Law § 22-22-31.2)

11. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

Failure to register is a Class 1 misdemeanor. Any subsequent violation is a Class 6 felony.

(S.D. Codified Law § 22-22-31)

Failure to register a change of address is a Class 1 misdemeanor. Any subsequent failure is a Class 6 felony.

(S.D. Codified Law § 22-22-36)

12. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

The Division of Criminal Investigation maintains a file of all registrations in South Dakota; this file is not open to inspection by the public.

(S.D. Codified Law § 22-22-33)

Registration records collected by local law-enforcement agencies and registration lists provided to local law enforcement by the Division of Criminal Investigation are public records.

(S.D. Codified Law § 22-22-40)

When a law-enforcement official provides information from the sex-offender registry, the information will include the offender's:

- (1) name;
- (2) address;
- (3) the type of sex crime for which he or she was convicted; and
- (4) the date of commission and the date of conviction for any sex crime committed.

(S.D. Codified Law § 22-22-32.1)

13. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The South Dakota Division of Criminal Investigation maintains a web site that provides approximate locations of sex offenders in South Dakota. Local law enforcement must be contacted for more detailed information on sex offenders.

The web site is available at <http://www.sddci.com/administration/id/sexoffender/index.asp>.

14. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

Any person who commits any crime because of information gained through the sex-offender registry or through public information kept pursuant to registration provisions is guilty of a Class 6 felony.

(S.D. Codified Law § 22-22-41)