
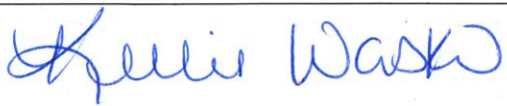


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.3.C.12	PAGE NUMBER 1 OF 7
		DISTRIBUTION:	Public
		SUBJECT:	Sex Offender Registration
RELATED STANDARDS:		None	EFFECTIVE DATE: July 01, 2022
			SUPERSESSION: 08/08/2019
DESCRIPTION: Rules and Discipline	REVIEW MONTH: June	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to enforce that all sex offenders register within the State of South Dakota, as required by SDCL § 22-24B-2.

## II. PURPOSE

In accordance with SDCL Chapter 22-24B, it is the purpose of this policy to provide guidelines for the notification of law enforcement agencies on the transfer of sex offenders to community corrections, parole, or upon discharge of sentence.

## III. DEFINITIONS

### Juvenile Sex Offender:

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.

### Sex Offender:

Any adult offender convicted or adjudicated of a felony sex crime, as listed in SDCL 22-24B-1, regardless of the offense date or date of conviction.

## IV PROCEDURES

### 1. Sex Offender Registration Requirements:

- A. Sex offenders must complete an initial sex offender registration (located on the South Dakota Sex Offender Registration website) within three (3) business days of coming into any county to reside, temporarily domicile, attend school classes, or to work, unless the move is the result of a DOC initiated transfer between facilities (See SDCL § 22-24B-2). Violation is a Class 6 felony.

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- B. Sex offenders are required to complete the verification form sent out by the Division of Criminal Investigation (DCI) at least annually, pursuant to SDCL § 22-24B-5, and return the form to DCI within ten (10) calendar days of receipt of the form. Violation is a Class 6 felony. **Note:** Verification forms are not sent to incarcerated sex offenders.
- C. Any sex offender required to register, pursuant to SDCL § 22-24B-2, who is employed, carries on a vocation, or attends postsecondary classes at an institution of higher education or technical institute, shall, within three business days of commencement or termination of such employment or enrollment, report to the police or county sheriff where the institution is located and complete a registration form. Violation is a class 6 felony.
  - 1. The registration update must take place within three (3) business days of any commencement of work or attending classes, and within three (3) business days of termination of such enrollment, employment, or a change in employer (See SDCL § 22-24B-6).
  - 2. The sex offender must report to the chief of police of the town/city where he/she is employed and/or enrolled, or if there is no chief of police, the county sheriff where the employment or educational institution is located. **Note:** Sex offenders are required to simultaneously register in multiple counties if they reside and work in multiple counties.
- D. Sex offenders on supervised release are required to update his/her registry every six (6) months in the same manner as the initial registration (See SDCL § 22-24B-7).
- E. A sex offender on supervised release who moves to a different location or residence address must provide written notification of his/her new location or address to the law enforcement agency with whom he/she last registered, within three (3) business days (See SDCL § 22-24B-12).
- F. Sex offenders shall report, within three (3) business days, any change in the registration status of a vehicle he/she owns to the chief of police or sheriff. Violation is a Class 1 misdemeanor.

## 2. Sex Offender Registration:

- A. During the admission/intake process, DOC staff will complete a NCIC III for each offender received at a DOC facility. The report shall be reviewed to determine if the offender is required to register, consistent with SDCL §§ 22-24B-1 to 22-24B-14.
  - 1. If an offender is identified as being required to register as a sex offender, pursuant to SDCL §§ 22-24B-1 to 22-24B-14, DOC staff will ensure the sex offender submits the required registrations to the DCI within three business days of admission to the facility or commitment to the DOC (See SDCL § 22-24B-30 and the section on Sex Offender Registration Requirements).
- B. If it is confirmed by DOC staff that an offender is currently registered with the South Dakota Sex Offender Registry, staff will update the registry as necessary. **Note:** The sex offender must be present during the update so their fingerprint(s) can be obtained.
  - 1. For adult offenders, Central Records staff will provide the designated institutional staff member with the name of the offender required to complete or update information within the Sex Offender Registry.
    - a. The staff member will ensure the updates are completed and copies sent to DOC Central Records to be maintained in the offender's legal file.
  - 2. The Director of Juvenile Services or designee will provide the Juvenile Corrections Agents (JCA) with the name of any juvenile sex offender assigned to the JCA so the JCA can update the sex offender registration.
    - a. Each JCA will track compliance with the updated registration requirements for juvenile sex offenders assigned to their caseload. All registration updates will be included on the JCA's month-end report.

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- C. If the sex offender is not registered with the South Dakota Sex Offender Registry, adult institution staff or the JCA will complete the required initial registration on the Sex Offender Registration website.
1. Central Records staff will provide designated adult institution staff with the name of any sex offender required to complete the sex offender registration.
    - a. The staff member will ensure the registration is completed and copies sent to Central Records to be maintained in the offender's legal file.
    - b. All initial registrations submitted to the SD Sex Offender Registration website will include finger and palm prints and a current photo of the offender.
  2. The Director of Juvenile Services or designee will provide the JCA with the name of any juvenile sex offender required to register with local law enforcement.
    - a. Each JCA will track compliance with the registration of sex offenders on their caseload and will forward the information to their respective supervisor, who will include all registrations their month end report to the Director of Juvenile Services.

### 3. Information Required During Sex Offender Registration:

- A. Registration will include the following information if the sex offender is currently under DOC supervised release (parole, suspended sentence, Community Transition Program (CTP), extension of confinement, juvenile aftercare, or secondary placement programs) (See SDCL § 22-24B-8).
1. Name and all aliases used.
  2. A complete physical description, to include photographs, fingerprints, and palm prints.
  3. Current residence, the length of time at that residence (including the date the residence was established), and the length of time expected to remain at that residence.
  4. Sex crime conviction(s).
  5. The date of commission and the date of conviction of any sex crime committed.
  6. Social Security number.
  7. Driver license number and state of issuance.
  8. Whether or not the offender is receiving or has received any sex offender treatment.
  9. Employer name, address, and telephone number or school name, address, and telephone number.
  10. Length of employment or length of attendance at school.
  11. Occupation or vocation.
  12. Vehicle license plate number of any vehicle owned by the offender.
  13. Information identifying any internet/social media accounts of the offender as well as any usernames, screen names, and aliases that the offender uses on the internet/social media.
  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 sex offense (provided by the prosecuting attorney).
  16. Acknowledgement whether the offender is currently an inmate, parolee, juvenile in DOC placement, or under aftercare supervision, provided by the offender and confirmed by the DOC or administering body of the correctional facility.
  17. Acknowledgment whether the offender is subject to community safety zone restrictions, provided by the registering agency (See SDCL §§ 22-24B-22, 22-24B-23, and 22-24B-24).
  18. The name, address, and telephone number of two (2) local contacts that have regular interaction with the offender, and the name, address, and telephone number of the offender's next of kin.
    - a. Local contacts may include an offender's parole agent, JCA, clergy, teacher, neighbor, or co-worker.
    - b. Next of kin generally includes children, parents, brothers/sisters, or grandparents; however, in the absence of next of kin, other known relatives of the offender may be listed as contacts.
  19. As deemed appropriate, staff will attempt to confirm whether an offender has a passport or any document establishing immigration status, including the document type and ID number of the passport.
  20. Staff will attempt to confirm whether the offender has any professional, occupational, business or trade licenses from any jurisdiction.

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- B. Sex offender registration will include the following information if the offender is currently in the physical custody of the DOC (includes CTP offenders):
1. Name and all aliases used;
  2. A complete physical description - to include photographs, fingerprints, and palm prints (palm and fingerprints are only needed on the initial registration, not on any re-registration completed by the DOC);
  3. Current residence, the date of incarceration, and the length of time expected to remain incarcerated;
  4. List of sex crime(s);
  5. The date of commission and the date of conviction of the sex crime(s) committed;
  6. Social Security number (if known);
  7. Driver license number and state of issuance (if available);
  8. Whether or not the offender is receiving or has received any sex offender treatment;
  9. A listing of all felony convictions committed as an adult and all sex offense convictions and adjudications subject to sex offender registration; and
  10. Acknowledgement whether the sex offender is currently an inmate, parolee, or juvenile in DOC placement/aftercare supervision.
- C. At the time of sex offender's registration, the registering staff person will collect a DNA sample from the offender and submit the sample to the South Dakota State Forensic Laboratory in accordance with procedures established by the Lab, unless it can be confirmed the sex offender has previously provided and submitted a DNA sample to the State Forensic Laboratory.

#### **4. Annual Verification of Sex Offender Information:**

- A. Annual verification is not necessary for sex offenders who are currently in the physical custody of the DOC.
- B. Sex offenders under DOC supervised release (parole, suspended sentence, CTP, juvenile aftercare, or secondary placement) are responsible for complying with all requirements of sex offender registration, as required by state and federal law.
- C. Verification forms must be completed, signed by the offender required to register, and returned to the DCI within ten (10) calendar days after the receipt (See SDCL § 22-24B-5).

#### **5. Updating Sex Offender Registration Information:**

- A. DOC staff will update the Sex Offender Registry if a sex offender currently in the physical custody of the DOC is transferred to a facility in another county, or custody of the inmate or juvenile is otherwise transferred to another authority (See SDCL § 22-24B-30).
1. DOC staff is not required to notify the DCI if a sex offender is temporarily absent (TAP) because of being out to court or is transferred to another DOC facility for short-term confinement, (generally less than two (2) weeks).
  2. DOC staff will notify the DCI immediately if a sex offender escapes, absconds, walks away or is AWOL from DOC custody or supervision (e-mail the State Sex Offender Registry Compliance Coordinator with DCI).
- B. DOC staff will update the registration information of a sex offender required to register by notifying the DCI if the offender's status changes from an "inmate" to "parolee" (or vice-versa), DOC placement to aftercare (or vice-versa), completes/discharges his/her sentence while on parole/aftercare, or is transferred to a different address (does not include temporary residence). DOC staff will notify DCI of the new location/address (See SDCL § 22-24B-30).

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- C. Sex offenders under DOC supervised release (parole, suspended sentence, Community Transition Program (CTP), extension of confinement, or juvenile aftercare) who are required to register, are responsible for updating their registration information, i.e., new address, with DCI.

## 6. Sex Offender Re-Registration Requirements:

- A. It is the responsibility of the sex offender to complete the re-registration if he/she is currently under DOC supervised release.
- B. Re-registration for a sex offender under DOC supervised release must take place during the calendar month in which the sex offender was born, and six (6) months following his/her birth month.
- C. Re-registration is not required for a sex offender in the physical custody of the DOC.

## 7. Release of Sex Offenders from DOC Custody:

- A. Prior to discharge, parole, release to furlough, work release, or similar temporary unsupervised access to the community, DOC staff will inform a sex offender who is required to register pursuant to SDCL §§ 22-24B1-1 thru 22-24B-14, of their duty to register and inform them of the community safety zone restrictions pursuant to SDCL § 22-24B-13. This shall include all offenders who are:
1. Discharged or released from a DOC program or facility.
  2. Granted a furlough or home visit.
  3. Granted Work Release or released to the Community Transition Program.
  4. Any other release which results in an offender's unsupervised access to the community.
- B. DOC staff will require the sex offender to read and sign the Duty to Register form (See Attachment 1) acknowledging their duty to register, their understanding of the community safety zone restrictions, and procedures and registration requirements along with any other forms required by DCI stating the sex offender's duty to register, community safety zones restrictions, and procedure for registration.
- C. Copies of the completed forms will be forwarded to Central Records for distribution to the following:
1. The offender.
  2. DCI.
  3. Law enforcement agency in the jurisdiction where the offender will reside.
  4. State's Attorney in county where the offender was convicted.
- D. DOC staff will obtain the address where the offender plans to reside upon discharge, release, parole, furlough/home visit, work release, or similar program outside the facility and shall report the address to the DCI pursuant to SDCL § 22-24B-13.

## 8. Sex Crimes Requiring Registry

- A. 22-24B-1. 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. 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 as set forth in SDCL §§ 22-22A-2 to 22-22A-3.1 inclusive;
  5. Possessing, manufacturing, or distributing child pornography as set forth in § 22-24A-3;
  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);

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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 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 to commit any of the crimes listed in this section or any 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 would constitute 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; or
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; or
22. Second degree human trafficking as set forth in § 22-49-3 involving the prostitution of a minor.

## V. RESPONSIBILITY

The Director of Clinical and Correctional Services is responsible for the annual review of this policy and revision as necessary.

## VI. AUTHORITY

- A. SDCL §§ 22-24B-1, 22-24B-1 (1), 22-24B-1.1, 22-24B-2, 22-24B-3, 22-24B-4, 22-24B-5, 22-24B-6, 22-24B-7, 22-24B-8, 22-24B-13, 22-24B-14, 22-24B-22, 22-24B-23, 22-24B-24, 22-24B-30, 22-24B-31, 23A-27-14, 26-8C-4, 37-24-1(2)

## VII. HISTORY

June 2022  
June 2019  
June 2018  
June 2017

## ATTACHMENTS (Published in PolicyTech unless otherwise noted)

1. Duty to Register (Form is located on the South Dakota Sex Offender Registry website)
2. DOC Policy Implementation / Adjustments

## DOC POLICY IMPLEMENTATION/ADJUSTMENTS

DESCRIPTION	TITLE	POLICY #	EFFECTIVE
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(FACILITY/WORK UNIT NAME)

WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN

NOT APPLICABLE

WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT OF THE POLICY

(SIGNED) \_\_\_\_\_ (DATE) \_\_\_\_\_  
Warden / Director