

Re: *Attorney General Marty Jackley's testimony to the South Dakota State House Judiciary in support of sex offender registration legislation*

Dear Madam Chair and Committee Members:

I respectfully urge the passage of Senate Bill 12 in its present form. Our sex offender registry is an important tool to inform the public of the location of individuals held responsible for certain sexual crimes. Senate Bill 12 addresses identified fairness issues with the implementation of a three-level tiered system that takes into account the nature of the criminal activity involved. Placement of the tiered system within our existing removal scheme is designed to further ensure that a qualifying sex offender is not automatically removed from the registry after a period of time. Rather, offenders involved in the less serious offenses must still demonstrate they are not a recidivist sex offender; they have complied in good faith with the registration requirements; and demonstrate to the satisfaction of the court that they do not pose a risk or danger to the community. Significantly, Senate Bill 12 in its present form does not lessen our registration requirements for sex offenders who do harm to children.

Placing the tiered system within the removal statute further avoids significant implementation costs and spreads potential litigation costs over time. This is accomplished by leaving the burden upon the sex offender to demonstrate the offender meets one of the less serious qualifying offenses and has satisfied all of the strict criteria for removal.

I believe that Senate Bill 12 in its present form satisfies the initial concerns raised by the Attorney General's Office and is responsible legislation for South Dakota. Thank you for your consideration.

Sincerely,

Marty J. Jackley
Attorney General

MJJ/dh