

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

508L0427

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1080** - 01/28/2005

Introduced by: Representatives Murschel, Brunner, Buckingham, Cutler, Davis, Dykstra, Haley, Hennies, Kraus, McLaughlin, Miles, Roberts, Rounds, Schafer, Street, Thompson, and Willadsen and Senators Schoenbeck, Abdallah, Koskan, and Moore

1 FOR AN ACT ENTITLED, An Act to provide for notification to the petitioner when an ex parte
2 protection order is served.

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

4 Section 1. That § 25-10-7 be amended to read as follows:

5 25-10-7. An ex parte temporary protection order is effective for a period of thirty days
6 except as provided in § 25-10-7.1. The respondent shall be personally served forthwith with a
7 copy of the ex parte order along with a copy of the petition, affidavit, and notice of the date set
8 for the hearing. The ex parte order shall be served without delay under the circumstances of the
9 case including service of the ex parte order on a Sunday or holiday. The law enforcement agency
10 serving the order shall notify the petitioner by telephone or written correspondence when the
11 order is served if the petitioner has provided to the law enforcement agency either a telephone
12 number or address, or both, where the petitioner may be contacted. The law enforcement agency
13 is immune from civil and criminal liability if the agency makes a good faith attempt to notify
14 the petitioner in a manner consistent with the provisions of this section.

