

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

508L0427

HOUSE ENGROSSED NO. **HB 1080** - 02/01/2005

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 and any officer of the law enforcement agency is immune from civil and criminal liability if the
14 agency or any such officer makes a good faith attempt to notify the petitioner in a manner



1 consistent with the provisions of this section.