

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

367M0506

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1074** - 01/30/2006

Introduced by: Representatives Cutler, Dykstra, Faehn, Haley, Hennies, Krebs, McCoy, Michels, and Murschel and Senators Schoenbeck, Abdallah, Adelstein, Duniphan, Kelly, Koetzle, McCracken, Moore, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to provide for recognition of certain stalking or physical
2 violence protection orders as foreign domestic violence orders.

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

4 Section 1. That § 25-10-12.1 be amended to read as follows:

5 25-10-12.1. Any domestic violence protection order, or any stalking or physical violence
6 protection order, issued by a court of competent jurisdiction of another state, Indian tribe, the
7 District of Columbia, or a commonwealth, territory, or possession of the United States is
8 enforceable as if the order was issued by a court in this state if all of the following requirements
9 are satisfied:

- 10 (1) The respondent received notice of the order in compliance with requirements of the
11 issuing jurisdiction;
- 12 (2) The order is in effect in the issuing jurisdiction;
- 13 (3) The issuing court had jurisdiction over the parties and the subject matter;
- 14 (4) The respondent was afforded reasonable notice and opportunity to be heard sufficient



1 to protect that person's right to due process. In the case of ex parte orders, notice and
2 opportunity to be heard must have been provided within the time required by the law
3 of the issuing jurisdiction; and, in any event, within a reasonable time after the order
4 was issued, sufficient to protect the respondent's due process rights;

5 (5) If the order also provides protection for the respondent, a petition, application, or
6 other written pleading was filed with the issuing court seeking such an order and the
7 issuing court made specific findings that the respondent was entitled to the order; and

8 (6) The prohibited conduct violative of the foreign protection order could be prohibited
9 by a protection order if issued in this state.

10 Any protection order meeting the requirements of this section is a foreign domestic violence
11 protection order.