

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

970N0498

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1117 - 02/12/2007

Introduced by: Representatives Novstrup (David), Boomgarden, Cutler, Engels, Feinstein, Gillespie, Halverson, Hanks, Hargens, Krebs, McLaughlin, Miles, Novstrup (Al), and Peters and Senators Albers, Bartling, Dempster, Gray, Heidepriem, Hunhoff, Koetzle, Nesselhuf, Olson (Ed), Schmidt, Sutton, and Turbak

1 FOR AN ACT ENTITLED, An Act to permit the extending of the duration of stalking and
2 protection orders.

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

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

5 25-10-1. Terms used in this chapter mean:

6 (1) "Domestic abuse," physical harm, bodily injury, or attempts to cause physical harm
7 or bodily injury, or the infliction of fear of imminent physical harm or bodily injury
8 between family or household members. Any violation of § 25-10-13 or chapter 22-
9 19A or any crime of violence as defined in subdivision 22-1-2(9) constitutes
10 domestic abuse if the underlying criminal act is committed between family or
11 household members;

12 (2) "Family or household members," spouses, former spouses, or persons related by
13 consanguinity, adoption, or law, persons living in the same household, persons who
14 have lived together, or persons who have had a child together;



1 (3) "Protection order," an order restraining any family or household member from
2 committing any act of domestic abuse or an order excluding any family or household
3 member from the dwelling or residence of another family or household member,
4 whether or not the dwelling or residence is shared. A protection order has a duration
5 of ~~three~~ five years or less; and

6 (4) "Temporary protection order," an order restraining any family or household member
7 from committing any act of domestic abuse or an order excluding any family or
8 household member from the dwelling or residence of another family or household
9 member, whether or not the dwelling or residence is shared. A temporary protection
10 order has a duration of thirty days except as provided in § 25-10-7.1.

11 Section 2. That § 22-19A-11 be amended to read as follows:

12 22-19A-11. Upon notice and a hearing, if the court finds by a preponderance of the evidence
13 that stalking has taken place, the court may provide relief as follows:

- 14 (1) Restrain any party from committing acts of stalking or physical injury as a result of
15 an assault or a crime of violence as defined in subdivision 22-1-2(9);
- 16 (2) Order other relief as the court deems necessary for the protection of the person
17 seeking the protection order, including orders or directives to law enforcement
18 officials.

19 Any relief granted by the order for protection shall be for a fixed period and may not exceed
20 ~~three~~ five years.