

# State of South Dakota

## EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

916V0107

### SENATE BILL NO. 6

Introduced by: Senators Soholt, Peters, and Tieszen and Representatives Stevens, Conzet, Gibson, Rozum, and Soli at the request of the Interim Domestic Abuse Study Committee

1 FOR AN ACT ENTITLED, An Act to establish the crime of committing certain acts of  
2 domestic abuse in the presence of a minor child.

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

4 Section 1. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person who, in the course of an act of domestic abuse, does so in the presence of a  
7 child, is guilty of a Class 1 misdemeanor.

8 Except for good cause shown, the court shall impose a jail sentence for each conviction of  
9 this section. Any sentence imposed pursuant to this section shall only be served subsequent to  
10 any other sentence imposed on the defendant for any conviction arising out of the originating  
11 act of domestic abuse.

12 Section 2. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 For the purposes of this Act, the term, in the presence of a child, means in the physical



- 1 presence of a child or knowing that a child is present and may see or hear an act of domestic
- 2 abuse. For the purposes of this Act, the term, child, means any minor.