



## 2026 South Dakota Legislature

# House Bill 1012

*Introduced by: The Chair of the Committee on Judiciary at the request of the Chief Justice*

1 **An Act to revise and repeal provisions allowing probation for contempt of a custody**  
 2 **or visitation decree.**

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

4 **Section 1. That § 25-4A-8 be AMENDED:**

5 **25-4A-8.** The provisions of § 23A-38-2 do not apply to §§ 25-4A-1 to ~~25-4A-7~~ 25-  
 6 4A-5, inclusive.

7 **Section 2. That § 25-4A-6 be REPEALED.**

8 ~~The contemnor may be placed on probation for a period of time, not to exceed five~~  
 9 ~~years or until discharge. The probation, if warranted, may be supervised by a probation~~  
 10 ~~officer who shall, if directed by the court, require reports from the contemnor and visit~~  
 11 ~~with the contemnor at the contemnor's home.~~

12 **Section 3. That § 25-4A-7 be REPEALED.**

13 ~~Any violation of the terms and conditions of the probation imposed by the court~~  
 14 ~~may be brought before the court by a motion to revoke probation. The motion to revoke~~  
 15 ~~probation may be made by the original moving party, the attorney general, or the state's~~  
 16 ~~attorney. If the motion to revoke probation alleges a prima facie case that the probationer~~  
 17 ~~has violated a term or condition of probation, the court may cause the probationer's arrest~~  
 18 ~~by warrant. An arrested probationer shall be brought promptly before the court causing~~  
 19 ~~the arrest.~~