



2026 South Dakota Legislature

House Bill 1296

Introduced by: **Representative Roby**

1 **An Act to permit a court to require that a defendant participate in global position**
 2 **monitoring as a condition of release for certain offenses.**

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

4 **Section 1. That a NEW SECTION be added to chapter 23A-43:**

5 If a defendant is charged with an offense that constitutes domestic abuse, as
 6 defined in § 25-10-1, the committing magistrate or court must, either in lieu of or in
 7 addition to any other method or condition of release described in this chapter, require the
 8 defendant to do the following as a condition of release:

9 (1) Wear a global positioning system device that:

10 (a) Actively monitors and reports the defendant's real-time location twenty-
 11 four hours a day; and

12 (b) Immediately alerts law enforcement if the device enters a location that the
 13 defendant has been ordered to refrain from going to or near as a condition
 14 of release, or pursuant to a protection order or temporary protection order
 15 issued under chapter 25-10;

16 (2) Pay all costs associated with operating the global positioning system device; and

17 (3) If an alleged victim of the offense consents after receiving the information
 18 described in section 3 of this Act, pay all costs associated with providing the victim
 19 with a cellular device application or an electronic receptor device that:

20 (a) Is capable of receiving global positioning system information from the global
 21 positioning system device worn by the defendant;

22 (b) Notifies the victim if the defendant is at or near a location that the defendant
 23 has been ordered to refrain from going to or near as a condition of release,
 24 or pursuant to a protection order or temporary protection order issued
 25 under chapter 25-10; and

1 (c) Notifies the victim if the defendant is within a prescribed proximity of the
2 victim's cellular device or electronic receptor device.

3 **Section 2. That a NEW SECTION be added to chapter 23A-43:**

4 Before imposing the use of a global positioning system device pursuant to section
5 1 of this Act, the committing magistrate or court shall afford any alleged victim an
6 opportunity to provide a list of areas from which the victim would like the defendant
7 excluded. The committing magistrate or court shall consider a victim's request in
8 determining the locations the defendant is ordered to refrain from going to or near as a
9 condition of release.

10 **Section 3. That a NEW SECTION be added to chapter 23A-43:**

11 Before imposing the use of a global positioning system device pursuant to section
12 1 of this Act, the committing magistrate or court must provide any alleged victim
13 information regarding:

14 (1) The victim's right to participate or refuse to participate in global positioning system
15 monitoring pursuant to subdivision (3) of section 1 of this Act and the procedure
16 for requesting that the court terminate the victim's participation;

17 (2) The manner in which the global positioning system monitoring technology
18 functions, the risks and limitations of the technology, and the extent to which the
19 technology tracks and records the victim's location and movements;

20 (3) Any sanctions that the committing magistrate or court may impose on the
21 defendant for violating a condition of release;

22 (4) The procedure that the victim is to follow, and support services available to assist
23 the victim, if the defendant violates a condition of release or if the global positioning
24 system monitoring technology fails;

25 (5) Community services available to assist the victim in obtaining shelter, counseling,
26 education, child care, legal representation, and other assistance available to
27 address the consequences of domestic abuse;

28 (6) An appropriate individual employed by a local law enforcement agency whom the
29 victim may call to request immediate assistance, if the defendant is at or near a
30 location that the defendant has been ordered to refrain from going to or near as a
31 condition of release, or pursuant to a protection order or temporary protection
32 order issued under chapter 25-10; and

1 (7) The fact that the victim's communications with the magistrate concerning global
2 positioning system monitoring and any restrictions to be imposed on the
3 defendant's movements are not confidential.