2026 South Dakota Legislature

# House Bill 1108

**HOUSE JUDICIARY ENGROSSED**

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

*Introduced by:* **Representative** *Stevens*

1 **An Act to require the sealing of court files upon dismissal or denial of a petition for**
2 **a protection order.**

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

4 **Section 1. That a NEW SECTION be added to chapter 22-19A:**

5 If the court dismisses a petition filed pursuant to § 22-19A-8 without a hearing
6 pursuant to § 22-19A-10, the clerk of court must immediately seal the petition and any
7 supporting documents in the case.

8 **Section 2. That a NEW SECTION be added to chapter 22-19A:**

9 If the court denies a petition filed pursuant to § 22-19A-8 after a hearing pursuant
10 to § 22-19A-10, the court must seal the case upon a finding on the record that the petition
11 was filed with no basis in fact or law and was harassing, frivolous, or abusive in nature.
12 The court shall notify law enforcement of any sealing order issued pursuant to this
13 section. Upon notification, law enforcement must make any record of the petition
14 nonpublic.

15 **Section 3. That a NEW SECTION be added to chapter 25-10:**

16 If the court dismisses a petition filed pursuant to § 25-10-3 without a hearing held
17 pursuant to § 25-10-4, the clerk of court must immediately seal the petition and any
18 supporting documents in the case.

19 **Section 4. That a NEW SECTION be added to chapter 25-10:**

20 If the court denies a petition filed pursuant to § 25-10-3 without a hearing held
21 pursuant to § 25-10-4, the court must seal the case upon a finding on the record that the

1    petition was filed with no basis in fact or law and was harassing, frivolous, or abusive in

2    nature.

3          The court shall notify law enforcement of any sealing order issued pursuant to this

4    section. Upon notification, law enforcement must make any record of the petition

5    nonpublic.

6    **Section 5.** The Unified Judicial System shall apply the provisions of sections 1 and 3 of this

7    Act retroactively to all court records maintained electronically.