



2026 South Dakota Legislature
House Bill 1108
ENROLLED

AN ACT

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

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

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

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

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

If the court denies a petition filed pursuant to § 22-19A-8 after a hearing pursuant to § 22-19A-10, the court must seal the case upon a finding on the record that the petition was filed with no basis in fact or law and was harassing, frivolous, or abusive in nature.

The court shall notify law enforcement of any sealing order issued pursuant to this section. Upon notification, law enforcement must make any record of the petition nonpublic.

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

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

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

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

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

The court shall notify law enforcement of any sealing order issued pursuant to this section. Upon notification, law enforcement must make any record of the petition nonpublic.

Section 5. The Unified Judicial System shall apply the provisions of sections 1 and 3 of this Act retroactively to all court records maintained electronically.

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

I certify that the attached Act originated in
the:
House as Bill No. 1108

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Chief Clerk of the House

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1108
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State