



## 2020 South Dakota Legislature

# House Bill 1088

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

1 **An Act to create a penalty for violation of a vulnerable adult protection order.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **21-65-19. Violation of protection order--Penalties.**

5 If a temporary protection order or a protection order is granted under this chapter  
 6 and the respondent or person to be restrained knows of the order, violation of the order  
 7 is a Class 1 misdemeanor. If any violation of this section constitutes an assault under  
 8 § 22-18-1.1, the violation is a Class 6 felony. If a respondent or person to be restrained  
 9 has been convicted of, or entered a plea of guilty to, two or more violations of this section,  
 10 § 22-19A-16, or § 25-10-13, the factual basis for which occurred after the date of the  
 11 second conviction and occurred within ten years of committing the current offense, the  
 12 respondent or person to be restrained is guilty of a Class 6 felony for any third or  
 13 subsequent offense. Any proceeding under this chapter is in addition to other civil or  
 14 criminal remedies.