

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

655E0580

HOUSE BILL NO. 1145

Introduced by: Representatives Clark, Heineman, Hennies (Thomas), Holbeck, McCoy, Monroe, Murschel, and Sutton (Duane) and Senators de Hueck, Ham, Kleven, and Madden

1 FOR AN ACT ENTITLED, An Act to revise the circumstances under which certain arrests may
2 be effected without a warrant.

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

4 Section 1. That § 23A-3-2.1 be amended to read as follows:

5 23A-3-2.1. Unless the provisions of § 22-18-5 apply, a law enforcement officer shall arrest
6 and take into custody, pending release on bail, personal recognizance, or court order, a person,
7 without a warrant, if the officer has probable cause to believe that:

8 (1) An order has been issued under chapter 25-10 protecting the victim and the terms of
9 the order prohibiting acts or threats of abuse or excluding the person from a residence
10 have been violated; or

11 (2) The person is eighteen years or older and within the preceding ~~four~~ twenty-four hours
12 has assaulted:

13 (a) That person's spouse;

14 (b) That person's former spouse;

1 (c) The mother or father of that person's child; or

2 (d) Any person eighteen years of age or older with whom that person resides or

3 has formerly resided;

4 and the officer believes:

5 (a) An aggravated assault has occurred;

6 (b) An assault has occurred which has resulted in bodily injury to the victim,

7 whether the injury is observable by the responding officer or not; or

8 (c) An attempt by physical menace has been made to put another in fear of

9 imminent serious bodily harm.