

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

358H0529

## SENATE BILL NO. 160

Introduced by: Senator Diedrich (Larry)

1 FOR AN ACT ENTITLED, An Act to expand the definition of domestic abuse to include certain  
2 acts or threats for the purpose of denying, hindering, or delaying the provision of emergency  
3 or law enforcement services to family or household members.

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

5 Section 1. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 The infliction by one member of a family or household of physical harm, bodily injury, or the  
8 fear of imminent physical harm or bodily injury on another member of the same family or  
9 household is domestic abuse. The attempt by one member of a family or household to inflict  
10 physical harm or bodily injury on another member of the same family or household is domestic  
11 abuse. The use of force, fear, or intimidation by one member of a family or household to prevent  
12 another member of the same family or household from contacting any law enforcement officer,  
13 emergency services personnel, or 911 emergency reporting system in an effort to secure  
14 appropriate law enforcement services or emergency services is domestic abuse. The act of  
15 destroying, disabling, concealing, or removing from the immediate premises, any telephone or



1 other telecommunications devices or any motor vehicle or other means of transportation with  
2 the intent to prevent another member of the same family or household from attempting to secure  
3 law enforcement services or emergency services in a timely and expedient manner is domestic  
4 abuse.

5 Section 2. That § 25-10-1 be amended to read as follows:

6 25-10-1. Terms used in this chapter mean:

- 7 (1) "Domestic abuse," ~~physical harm, bodily injury, or attempts to cause physical harm~~  
8 ~~or bodily injury, or the infliction of fear of imminent physical harm or bodily injury~~  
9 ~~between family or household members~~ any act or conduct as described in section 1  
10 of this Act;
- 11 (2) "Family or household members," spouses, former spouses, or persons related by  
12 consanguinity, adoption, or law, persons living in the same household, persons who  
13 have lived together, or persons who have had a child together;
- 14 (3) "Protection order," an order restraining any family or household member from  
15 committing any act of domestic abuse or an order excluding any family or household  
16 member from the dwelling or residence of another family or household member,  
17 whether or not the dwelling or residence is shared. A protection order has a duration  
18 of three years or less; and
- 19 (4) "Temporary protection order," an order restraining any family or household member  
20 from committing any act of domestic abuse or an order excluding any family or  
21 household member from the dwelling or residence of another family or household  
22 member, whether or not the dwelling or residence is shared. A temporary protection  
23 order has a duration of thirty days except as provided in § 25-10-7.1.