

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

664N0717

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1222** - 02/09/2007

Introduced by: Representatives Gillespie, Dykstra, Engels, and Rave and Senators Albers and Heidepriem

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions relating to petitions for  
2 protection orders.

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

4 Section 1. That § 22-19A-8 be amended to read as follows:

5 22-19A-8. There exists an action known as a petition for a protection order in cases of  
6 stalking ~~or~~, in cases of physical injury as a result of an assault, or in cases of a crime of violence  
7 as defined in subdivision 22-1-2(9). Procedures for the action are as follows:

8 (1) A petition under this section may be made against any person who violates § 22-19A-  
9 1 or against any other person against whom stalking or physical injury as a result of  
10 an assault or in cases where a crime of violence is alleged;

11 (2) A petition shall allege the existence of (a) stalking or (b) physical injury as a result  
12 of an assault or (c) a crime of violence, and shall be accompanied by an affidavit  
13 made under oath stating the specific facts and circumstances of the stalking or the  
14 physical injury as a result of an assault or crime of violence;

15 (3) A petition for relief may be made whether or not there is a pending lawsuit,



1 complaint, petition, or other action between the parties.

2 The clerk of the circuit court shall make available standard petition forms with instructions  
3 for completion to be used by a petitioner. The attorney general shall prepare the standard  
4 petition form.