



2021 South Dakota Legislature
House Bill 1081
ENROLLED

AN ACT

ENTITLED An Act to increase the penalty for protection order violations.

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

Section 1. That § 21-65-19 be AMENDED.

21-65-19. Protection order--Violation--Penalty.

If a temporary protection order or a protection order is granted pursuant to this chapter and the respondent or person restrained knows of the order, a violation of the order is a Class 1 misdemeanor.

If the acts constituting a violation of this section also constitute an assault, as defined in § 22-18-1, the violation of this section is a Class 6 felony.

If a respondent or person restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section, § 22-19A-16, or § 25-10-13, or the comparable laws of any other state, within ten years of committing the current offense, and the factual basis for the current offense occurred after the date of the second conviction or guilty plea, the respondent or person restrained is guilty of a Class 6 felony for a third offense, a Class 5 felony for a fourth offense, and a Class 4 felony for a fifth or subsequent offense.

Any proceeding under this chapter is in addition to other civil or criminal remedies.

Section 2. That § 22-19A-16 be AMENDED.

22-19A-16. Protection order--Violation--Penalty.

If a temporary protection order or a protection order is granted pursuant to §§ 22-19A-8 to 22-19A-16, inclusive, and the respondent or person restrained knows of the order, a violation of the order is a Class 1 misdemeanor.

If the acts constituting a violation of this section also constitute an assault, as defined in § 22-18-1, the violation of this section is a Class 6 felony.

If a respondent or person restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section, § 21-65-19, or § 25-10-13, or the comparable laws of any other state, within ten years of committing the current offense, and the factual basis for the current offense occurred after the date of the second conviction or guilty plea, the respondent or person restrained is guilty of a Class 6 felony for a third offense, a Class 5 felony for a fourth offense, and a Class 4 felony for a fifth or subsequent offense.

Any proceeding under §§ 22-19A-8 to 22-19A-16, inclusive, is in addition to other civil or criminal remedies.

Section 3. That § 25-10-13 be AMENDED.

25-10-13. Protection order--Violation--Penalty.

If a temporary protection order or a protection order is granted pursuant to this chapter, if a foreign protection order is recognized pursuant to § 25-10-12.1 or 25-10-25, or if a no contact order is issued pursuant to § 25-10-23 or 25-10-25, and if the respondent or person restrained knows of the order, a violation of the order is a Class 1 misdemeanor.

If the acts constituting a violation of this section also constitute a violation of § 22-18-1, 22-18-1.1, or 22-19A-1, the violation of this section is a Class 6 felony.

If a respondent or person restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section, § 21-65-19, or § 22-19A-16, or the comparable laws of any other state, within ten years of committing the current offense, and the factual basis for the current offense occurred after the date of the second conviction or guilty plea, the respondent or person restrained is guilty of a Class 6 felony for a third offense, a Class 5 felony for a fourth offense, and a Class 4 felony for a fifth or subsequent offense.

Any proceeding under this chapter is in addition to other civil or criminal remedies.

An Act to increase the penalty for protection order violations.

I certify that the attached Act originated in
the:

House as Bill No. 1081

Received at this Executive Office
this _____ day of _____,
2021 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2021

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2021
at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1081
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State