

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

715T0524

HOUSE ENGROSSED NO. **SB 141** - 2/28/2012

Introduced by: Senators Peters, Buhl, Cutler, Holien, Nelson (Tom), and Nygaard and
Representatives Gibson, Abdallah, Blake, Hunhoff (Bernie), Kirkeby, Perry,
Street, and Turbiville

1 FOR AN ACT ENTITLED, An Act to revise the legal definition of the term, domestic abuse.

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

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

4 25-10-1. Terms used in this chapter mean:

5 (1) "Domestic abuse, domestic violence, spousal abuse, battering, family violence, and
6 intimate violence," physical harm, bodily injury, or attempts to cause physical harm
7 or bodily injury, ~~or~~ the infliction of fear of imminent physical harm or bodily injury
8 ~~between family or household members,~~ or a pattern of abusive behaviors by one
9 partner in an intimate relationship with a person of the opposite sex such as marriage
10 or cohabitation. Any violation of § 25-10-13 or chapter 22-19A or any crime of
11 violence as defined in subdivision 22-1-2(9) constitutes domestic abuse if the
12 underlying criminal act is committed between ~~family or household members~~ partners
13 of the opposite sex in an intimate relationship as defined in this subdivision;

14 (2) "Family or household members," spouses, former spouses, or persons related by



1 consanguinity, adoption, or law, persons living in the same household in an intimate
2 relationship with a person of the opposite sex, persons who have lived together in an
3 intimate relationship with a person of the opposite sex, or persons who have had a
4 child together;

5 (3) "Protection order," an order restraining any family or household member from
6 committing any act of domestic abuse or an order excluding any family or household
7 member from the dwelling or residence of another family or household member,
8 whether or not the dwelling or residence is shared. A protection order has a duration
9 of five years or less; and

10 (4) "Temporary protection order," an order restraining any family or household member
11 from committing any act of domestic abuse or an order excluding any family or
12 household member from the dwelling or residence of another family or household
13 member, whether or not the dwelling or residence is shared. A temporary protection
14 order has a duration of thirty days except as provided in § 25-10-7.1.