

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

715T0524

## SENATE BILL NO. 141

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 expand 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 partner violence (IPV), physical harm, bodily injury, or attempts to cause  
7 physical harm or bodily injury, ~~or~~ the infliction of fear of imminent physical harm or  
8 bodily injury, or a pattern of abusive behaviors between family or household  
9 members or one or more partners in an intimate relationship. Any violation of § 25-  
10 10-13 or chapter 22-19A or any crime of violence as defined in subdivision 22-1-2(9)  
11 constitutes domestic abuse if the underlying criminal act is committed between  
12 family or household members;

13 (2) "Family or household members," spouses, former spouses, or persons related by  
14 consanguinity, adoption, or law, persons living in the same household, persons who



1 have lived together, or persons who have had a child together;

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

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