

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

715T0524

SENATE JUDICIARY ENGROSSED NO. **SB 141** - 2/2/2012

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 such as marriage, dating, or cohabitation. Any
10 violation of § 25-10-13 or chapter 22-19A or any crime of violence as defined in
11 subdivision 22-1-2(9) constitutes domestic abuse if the underlying criminal act is
12 committed between ~~family or household members~~ partners in an intimate relationship
13 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, persons who have lived together in an intimate relationship, or persons
3 who have had a child together;

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

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