

# State of South Dakota

## EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

349U0346

### HOUSE JUDICIARY ENGROSSED NO. **SB 147** - 02/22/2013

Introduced by: Senators Tieszen, Adelstein, Begalka, Bradford, Brown, Buhl, Holien, Hunhoff (Jean), Johnston, Kirkeby, Krebs, Lucas, Monroe, Peters, Soholt, Tidemann, and Vehle and Representatives Lust, Cammack, Campbell, Craig, Cronin, Dryden, Gibson, Hajek, Hoffman, Hunhoff (Bernie), Kaiser, Magstadt, Miller, Novstrup (David), Qualm, Rozum, Solum, and Verchio

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to domestic abuse and  
2 protection orders.

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

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

5 25-10-1. Terms used in this chapter mean:

6 (1) "Domestic abuse," 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. Any violation of § 25-10-13 or chapter 22-  
9 19A or any crime of violence as defined in subdivision 22-1-2(9) constitutes  
10 domestic abuse if the underlying criminal act is committed between family or  
11 household members;

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



1 ~~have lived together, or persons who have had a child together~~ member," any two  
2 persons who share one of the following relationships:

3 (a) Spouse;

4 (b) Former spouse;

5 (c) Persons who are or have been living in the same household;

6 (d) Persons who have had a child together or are expecting a child together;

7 (e) Parent and child, including relationship by adoption, guardianship, or  
8 marriage;

9 (f) Grandparent and grandchild; and

10 (g) Siblings, whether of the whole or half blood, including relationship through  
11 adoption or marriage;

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

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