

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

691V0096

SENATE BILL NO. 2

Introduced by: Senators Sohlt, Peters, and Tieszen and Representatives Stevens, Bolin, Conzet, Gibson, Rozum, and Soli at the request of the Interim Domestic Abuse Study Committee

1 FOR AN ACT ENTITLED, An Act to provide for the delayed arrest, under certain
2 circumstances, in regard to certain outstanding warrants for victims of domestic abuse with
3 minor children.

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

5 Section 1. No law enforcement officer, called to the scene of a domestic abuse complaint,
6 may arrest any victim of domestic abuse for an outstanding warrant if:

7 (1) The victim is not otherwise liable to arrest for any action arising out of the present
8 incidence of domestic abuse;

9 (2) The outstanding warrant is for an offense that cannot be charged as a Class 5 or
10 higher felony;

11 (3) The victim is the custodial parent or immediate caregiver of a minor child.

12 However, the victim is subject to arrest on any outstanding warrant after seventy-two hours
13 have passed since the incidence of the domestic abuse call.

