

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

763V0102

SENATE BILL NO. 5

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 permit the court reciprocal discretion to hear certain
2 petitions for protection orders due to domestic abuse and for protection orders due to
3 stalking or physical injury.

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

5 Section 1. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a petition for a protection order alleging the existence of domestic abuse is filed with the
8 court pursuant to § 25-10-3 and, if the court, upon an initial review, determines that the
9 allegations do not support the existence of domestic abuse, but that the allegations do support
10 the existence of stalking or physical injury pursuant to § 22-19A-8, the court, in its discretion,
11 may hear and act upon the petition as though the petition had been filed under § 22-19A-8 and
12 subject to the provisions of chapter 22-19A.

13 Section 2. That chapter 22-19A be amended by adding thereto a NEW SECTION to read
14 as follows:



1 If a petition for a protection order alleging the existence of stalking or physical injury is filed
2 with the court pursuant to § 22-19A-8 and, if the court, upon an initial review, determines that
3 the allegations do not support the existence of stalking or physical injury, but that the allegations
4 do support the existence of domestic abuse pursuant to § 25-10-3, the court, in its discretion,
5 may hear and act upon the petition as though the petition had been filed under § 25-10-3 and
6 subject to the provisions of chapter 25-10.