

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

319W0236

SENATE JUDICIARY ENGROSSED NO. **HB 1140** 03/05/2015

Introduced by: Representatives Gibson, Hawks, and Kaiser and Senators Buhl O'Donnell, Bradford, Heinert, Hunhoff (Bernie), and Sutton

1 FOR AN ACT ENTITLED, An Act to increase the crimes and lookback period to enhance the
2 penalty for violating a protection order.

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

4 Section 1. That § 22-19A-16 be amended to read as follows:

5 22-19A-16. If a temporary protection order or a protection order is granted pursuant to
6 §§ 22-19A-8 to 22-19A-16, inclusive, and the respondent or person to be restrained knows of
7 the order, violation of the order is a Class 1 misdemeanor. If any violation of this section
8 constitutes an assault pursuant to § §§ 22-18-1 or 22-18-1.1, the violation is a Class 6 felony.
9 If a respondent or person to be restrained has been convicted of, or entered a plea of guilty to,
10 two or more violations of this section or § 25-10-13, the factual basis for which occurred after
11 the date of the second conviction, and occurred within ~~five~~ ten years of committing the current
12 offense, the respondent or person to be restrained is guilty of a Class 6 felony for any third or
13 subsequent offense. Any proceeding under §§ 22-19A-8 to 22-19A-16, inclusive, is in addition
14 to other civil or criminal remedies.

