

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## HOUSE JUDICIARY ENGROSSED NO. **HB 1133** 02/17/2016

Introduced by: Representatives Gibson, Bartling, Feickert, Hawks, Hawley, Hunt, Johns, Killer, Kirschman, McCleerey, Peterson (Kent), Rasmussen, Ring, Russell, Schoenfish, Schrempp, and Soli and Senators Buhl O'Donnell, Bradford, Olson, Parsley, Peterson (Jim), Rusch, and Soholt

1 FOR AN ACT ENTITLED, An Act to require that a risk assessment is completed and reviewed  
2 before the release of a person charged with certain domestic crimes.

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

4 Section 1. That § 25-10-40 be amended to read as follows:

5 25-10-40. No police officer or sheriff may release a person charged with assaulting a person  
6 in a relationship described in § 25-10-3.1, or violating a protection order, as provided for in this  
7 chapter, without completing a validated risk assessment form and providing notice to a  
8 committing magistrate judge or circuit court. ~~A~~ Information from any risk assessment relative  
9 to bond or conditions of release shall be provided to a committing magistrate judge or circuit  
10 court ~~shall determine~~ when determining if bond or other conditions of release are necessary for  
11 the protection of the alleged victim.

