

AN ACT

ENTITLED, An Act to revise the circumstances permitting warrantless arrests.

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

Section 1. That § 23A-3-2.1 be amended to read as follows:

23A-3-2.1. Unless the provisions of § 22-18-5 apply, a law enforcement officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person, without a warrant, if the officer has probable cause to believe that:

- (1) An order has been issued under chapter 25-10 protecting the victim and the terms of the order prohibiting acts or threats of abuse or excluding the person from a residence have been violated; or
- (2) The person is eighteen years or older and within the preceding four hours has assaulted:
 - (a) That person's spouse;
 - (b) That person's former spouse;
 - (c) The mother or father of that person's child; or
 - (d) Any person eighteen years of age or older with whom that person resides or has formerly resided;

and the officer believes:

- (a) An aggravated assault has occurred;
- (b) An assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or
- (c) An attempt by physical menace has been made to put another in fear of imminent serious bodily harm.

An Act to revise the circumstances permitting warrantless arrests.

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I certify that the attached Act
originated in the

SENATE as Bill No. 138

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 138

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State