

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

961D0248

## HOUSE BILL NO. 1158

Introduced by: Representative Volesky

1 FOR AN ACT ENTITLED, An Act to define and establish partner or family member assault as  
2 a crime separate and distinct from other assaults and to provide penalties therefor.

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

4 Section 1. Any person who:

- 5 (1) Purposely or knowingly causes bodily injury to a partner or family member; or  
6 (2) Negligently causes bodily injury to a partner or family member with a weapon; or  
7 (3) Purposely or knowingly causes reasonable apprehension of bodily injury in a partner  
8 or family member;

9 commits the offense of partner or family member assault.

10 Section 2. For the purposes of defining the elements of partner and family member assault,  
11 the term, family member, means mothers, fathers, children, brothers, sisters, and other past or  
12 present family members of a household. These relationships include relationships created by  
13 adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and  
14 parents. These relationships continue regardless of the ages of the parties and whether the parties  
15 reside in the same household. The term, partner, means spouses, former spouses, persons who  
16 have a child in common, and persons who have been or are currently in a dating or ongoing  
17 intimate relationship with a person of the opposite sex.

1 Section 3. Any person convicted of partner or family member assault is guilty of a Class 1  
2 misdemeanor. Any person convicted of a second or subsequent offense is guilty of a Class 6  
3 felony.

4 Section 4. The court may order any person convicted of partner or family member assault  
5 to pay for and complete a counseling assessment with a focus on violence, dangerousness, and  
6 chemical dependency. The counselor and course of counseling shall be approved and supervised  
7 by the court.

8 Section 5. After determining the financial resources and future ability of the offender to pay  
9 restitution, the court shall require the offender, if able, to pay the victim's reasonable actual  
10 medical, housing, wage loss, and counseling costs.

11 Section 6. The court may prohibit an offender convicted under this Act from possession or  
12 use of firearms if firearms or other dangerous weapons were used in the assault.

13 Section 7. Every act of partner and family member assault constitutes domestic abuse as  
14 defined in § 25-10-1. However, acts of domestic abuse may or may not constitute partner and  
15 family member assault as defined in this Act.