

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

391D0665

HOUSE BILL NO. 1238

Introduced by: Representatives Brown (Jarvis), Brown (Richard), Cutler, Duniphan, Fischer-Clemens, Haley, and Michels and Senators Munson (David), Daugaard, Flowers, and Moore

1 FOR AN ACT ENTITLED, An Act to provide that a temporary restraining order may extend
2 beyond thirty days in certain circumstances.

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

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

5 25-10-1. Terms used in this chapter mean:

- 6 (1) "Domestic abuse," physical harm, bodily injury or attempts to cause physical harm or
7 bodily injury, or the infliction of fear of imminent physical harm or bodily injury
8 between family or household members;
- 9 (2) "Family or household members," spouses, former spouses or persons related by
10 consanguinity, adoption or law, persons living in the same household, persons who
11 have lived together, or persons who have had a child together;
- 12 (3) "Protection order," an order restraining any family or household member from
13 committing any act of domestic abuse or an order excluding any family or household
14 member from the dwelling or residence of another family or household member,
15 whether or not the dwelling or residence is shared. A protection order has a duration
16 of three years or less; and

1 (4) "Temporary protection order," an order restraining any family or household member
2 from committing any act of domestic abuse or an order excluding any family or
3 household member from the dwelling or residence of another family or household
4 member, whether or not the dwelling or residence is shared. A temporary protection
5 order has a duration of thirty days except as provided in section 3 of this Act.

6 Section 2. That § 25-10-7 be amended to read as follows:

7 25-10-7. An ex parte temporary protection order is effective for a period of thirty days
8 except as provided in section 3 of this Act. The respondent shall be personally served forthwith
9 with a copy of the ex parte order along with a copy of the petition, affidavit, and notice of the
10 date set for the hearing.

11 Section 3. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 If an ex parte temporary protection order is in effect and a judge issues a protection order
14 pursuant to § 25-10-5, the ex parte temporary protection order remains effective until the order
15 issued pursuant to § 25-10-5 is served on the respondent.