

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

463J0533

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**SB 77 - 02/09/2004**

Introduced by: Senators Schoenbeck, Abdallah, Albers, Dempster, and McCracken and  
Representatives LaRue, Craddock, Cutler, Gillespie, Hennies, Kraus, and  
Madsen

1 FOR AN ACT ENTITLED, An Act to provide that certain third and subsequent violations of  
2 stalking protection orders are felony offenses.

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

