

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

463J0533

SENATE BILL NO. 77

Introduced by: Senators Schoenbeck, Abdallah, Albers, Dempster, and McCracken and
Representatives LaRue, Cradduck, 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 first of which occurred within five years of committing the current
11 offense, the respondent or person to be restrained is guilty of a Class 6 felony for such third or
12 subsequent offense. Any proceeding under §§ 22-19A-8 to 22-19A-16, inclusive, is in addition
13 to other civil or criminal remedies.

