

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

490L0442

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1105 - 01/26/2005**

Introduced by: Representatives Cutler, Krebs, McCoy, Michels, Murschel, Roberts, and Weems and Senators Knudson, Broderick, Duniphan, Hanson (Gary), Moore, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise the definition of domestic abuse.

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

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

4 25-10-1. Terms used in this chapter mean:

5 (1) "Domestic abuse," physical harm, bodily injury, or attempts to cause physical harm  
6 or bodily injury, or the infliction of fear of imminent physical harm or bodily injury  
7 between family or household members, or any violation of § 25-10-13, any violation  
8 of chapter 22-19A, or any act described in subdivision 22-1-2(9) between family or  
9 household members;

10 (2) "Family or household members," spouses, former spouses, or persons related by  
11 consanguinity, adoption, or law, persons living in the same household, persons who  
12 have lived together, or persons who have had a child together;

13 (3) "Protection order," an order restraining any family or household member from  
14 committing any act of domestic abuse or an order excluding any family or household



1 member from the dwelling or residence of another family or household member,  
2 whether or not the dwelling or residence is shared. A protection order has a duration  
3 of three years or less; and

4 (4) "Temporary protection order," an order restraining any family or household member  
5 from committing any act of domestic abuse or an order excluding any family or  
6 household member from the dwelling or residence of another family or household  
7 member, whether or not the dwelling or residence is shared. A temporary protection  
8 order has a duration of thirty days except as provided in § 25-10-7.1.