

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

453L0814

HOUSE BILL NO. 1263

Introduced by: Representatives Cutler, Gillespie, Michels, and Roberts and Senators
Knudson and Schoenbeck

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. Any violation of § 25-10-13 or chapter 22-
8 19A or any crime of violence as defined in subdivision 22-1-2(9) constitutes
9 domestic abuse if the underlying criminal act is committed between family or
10 household members;

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

14 (3) "Protection order," an order restraining any family or household member from
15 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.