

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

652U0470

HOUSE JUDICIARY ENGROSSED NO. **HB 1150** 01/28/2013

Introduced by: Representatives Novstrup (David), Cronin, Dryden, Gibson, Hajek, Hoffman, Hunhoff (Bernie), Kaiser, Lust, Rozum, and Solum and Senators Krebs, Brown, Buhl, Hunhoff (Jean), Kirkeby, Lucas, Peters, Soholt, and Tidemann

1 FOR AN ACT ENTITLED, An Act to amend provisions relating to violations of no contact
2 orders.

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

4 Section 1. That § 25-10-13 be amended to read as follows:

5 25-10-13. If a temporary protection order or a protection order is granted pursuant to this
6 chapter or a foreign protection order recognized pursuant to § 25-10-25 or § 25-10-12.1, or if
7 a no contact order is issued pursuant to § 25-10-23 or § 25-10-25, and the respondent or person
8 to be restrained knows of the order, violation of the order is a Class 1 misdemeanor. If any
9 violation of this section constitutes ~~an assault pursuant to a violation of § 22-18-1 or § 22-19A-~~
10 1, the violation is a Class 6 felony. If a respondent or person to be restrained has been convicted
11 of, or entered a plea of guilty to, two or more violations of this section, the factual basis for
12 which occurred after the date of the second conviction, and occurred within ten years of
13 committing the current offense, the respondent or person to be restrained is guilty of a Class 6
14 felony for any third or subsequent offense. Any proceeding under this chapter is in addition to



1 other civil or criminal remedies.

2 Section 2. That § 22-19A-2 be amended to read as follows:

3 22-19A-2. Any person who violates § 22-19A-1 when there is a temporary restraining order,
4 or an injunction, or a protection order, or a no contact order issued pursuant to § 25-10-23 or
5 § 25-10-25 in effect prohibiting the behavior described in § 22-19A-1 against the same party,
6 is guilty of a Class 6 felony.