

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

394J0546

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 93** - 02/09/2004

Introduced by: Senators Albers, Dempster, Duniphan, Koetzle, Moore, Olson (Ed), Schoenbeck, and Sutton (Dan) and Representatives Gillespie, Buckingham, Christensen, Cutler, Dykstra, Hennies, Kraus, LaRue, Murschel, and Olson (Mel)

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

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, and the respondent or person to be restrained knows of the order, violation of the order
7 is a Class 1 misdemeanor. If any violation of this section constitutes an assault pursuant to
8 § 22-18-1.1, the violation is a Class 6 felony. If a respondent or person to be restrained has been
9 convicted of, or entered a plea of guilty to, two or more violations of this section, the factual
10 basis for which occurred after the date of the second conviction, and occurred within five years
11 of committing the current offense, the respondent or person to be restrained is guilty of a Class
12 6 felony for any third or subsequent offense. Any proceeding under this chapter is in addition
13 to other civil or criminal remedies.

