

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

417T0089

## HOUSE BILL NO. 1053

Introduced by: Representatives Stricherz, Bolin, Conzet, Deelstra, Elliott, Gosch, Hawley, Hickey, Hoffman, Lust, Magstadt, Miller, Munsterman, Rausch, Romkema, and Wick and Senators Cutler, Begalka, Olson (Russell), and Rhoden

1 FOR AN ACT ENTITLED, An Act to establish the hope card program relating to protection  
2 orders.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Hope card," a hope card issued under the hope card program established pursuant  
6 to section 2 of this Act;

7 (2) "Petitioner," a person who has been issued a protection order in accordance with  
8 § 25-10-5 or § 22-19A-11;

9 (3) "Respondent," a person against whom a petitioner seeks protection; and

10 (4) "Program," the hope card program established pursuant to section 2 of this Act.

11 Section 2. Any petitioner who is issued a protection order relating to domestic abuse  
12 pursuant to § 25-10-5 or stalking pursuant to § 22-19A-11 may request the Unified Judicial  
13 System for the issuance of a hope card under the hope card program, which is hereby  
14 established. Upon determining that the request is valid, the Unified Judicial System shall issue



1 the petitioner a hope card. Hope cards may also be issued to any children or other individuals  
2 covered by the protection order. More than one card may be issued to a petitioner for such  
3 purposes as providing a card to a child's school and another to the child's after-school care  
4 program.

5 Section 3. A hope card may be carried in addition to or in lieu of a paper copy of a qualified  
6 protection order. The card may be used to quickly and conveniently verify the existence of the  
7 protection order and to provide information from the protection order in an easy-to-use format  
8 for law enforcement officers, first responders, and other officials. The card is not a substitute  
9 or replacement for a valid order of protection.

10 Section 4. A hope card shall be a laminated card, similar in size and shape to a credit card,  
11 and shall contain essential information about the order of protection as follows:

- 12 (1) Identifying characteristics of the respondent, including a color photograph if  
13 available, and name, birth date, sex, race, eye and hair color, height, weight, and any  
14 distinguishing features such as scars or tattoos;
- 15 (2) Issue date and expiration date of the order;
- 16 (3) Terms of the order;
- 17 (4) A local phone number to enable officials to call to corroborate information on the  
18 card;
- 19 (5) Identifying characteristics of the petitioner, including name, birth date, sex, race, and  
20 height;
- 21 (6) The names and birth dates of any children or other individuals who are also protected  
22 under the order;
- 23 (7) The case number listed on the order of protection, the issuing court and county, the  
24 date the order was issued, and the expiration date.

1 Section 5. Hope cards may be requested from the Unified Judicial System via the internet,  
2 by paper application, or in person in the office of the county clerk of courts. Applications shall  
3 be forwarded to the Unified Judicial System for processing. The Unified Judicial System may  
4 charge a fee for each hope card that is issued not to exceed three dollars per card. Money from  
5 the fee shall be deposited in the hope card program fund established pursuant to section of this  
6 Act.

7 Section 6. The Unified Judicial System may enter into agreements with other government  
8 agencies and with Indian tribes to share data information relating to the hope card program and  
9 to coordinate the implementation of the hope card program and similar programs.

10 Section 7. The hope card program fund is hereby established within the state treasury to be  
11 administered by the Unified Judicial System. Money may enter the fund through legislative  
12 appropriations, fees, contributions, donations, gifts, grants, loans, federal grants and loans,  
13 interest received on moneys in the fund, and any other lawful public or private source. Money  
14 in the fund shall be used for the purpose of funding and administering the hope card program.  
15 Any expenditure from the fund shall be paid on warrants drawn by the state auditor on vouchers  
16 approved by the state court administrator of the Unified Judicial System.

17 Section 8. The Unified Judicial System shall promulgate rules pursuant to chapter 1-26  
18 governing the application for, issuance of, and use of hope cards and the operation of the hope  
19 card program. The rules shall include specifications for the physical characteristics and  
20 construction of the card, type and layout of information included on the card, methods of  
21 applying for and issuing the cards, the amount and collection of fees for each card, and  
22 requirements, guidelines, and criteria governing the use of the card and the administration of the  
23 program.