



2020 South Dakota Legislature  
**House Bill 1088**  
**ENROLLED**

AN ACT

**ENTITLED An Act to create a penalty for violation of a vulnerable adult protection order and to revise certain provisions regarding protection orders.**

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

**Section 1.** That a NEW SECTION be added:

**21-65-19. Protection order--Violation as misdemeanor or felony.**

If a temporary protection order or a protection order is granted under this chapter and the respondent or person restrained knows of the order, violation of the order is a Class 1 misdemeanor. If the acts constituting a violation of this section also constitute an assault as defined under § 22-18-1, the violation under this section is a Class 6 felony. If a respondent or person restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section, § 22-19A-16, or § 25-10-13 within ten years of committing the current offense, and the factual basis for the current offense occurred after the date of the second conviction or guilty plea, the respondent or person restrained is guilty of a Class 6 felony for any third or subsequent offense. Any proceeding under this chapter is in addition to other civil or criminal remedies.

**Section 2.** That § 22-19A-16 be AMENDED:

**22-19A-16. Protection order--Violation as misdemeanor or felony.**

If a temporary protection order or a protection order is granted pursuant to §§ 22-19A-8 to 22-19A-16, inclusive, and the respondent or person restrained knows of the order, violation of the order is a Class 1 misdemeanor. If the acts constituting a violation of this section also constitute an assault as defined pursuant to § 22-18-1, the violation under this section is a Class 6 felony. If a respondent or person restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section, § 21-65-19, or § 25-10-13 within ten years of committing the current offense, and the factual basis for the current offense occurred after the date of the second conviction or

guilty plea, the respondent or person restrained is guilty of a Class 6 felony for any third or subsequent offense. Any proceeding under §§ 22-19A-8 to 22-19A-16, inclusive, is in addition to other civil or criminal remedies.

**Section 3.** That § 25-10-13 be AMENDED:

**25-10-13. Protection order--No contact order--Violation as misdemeanor or felony.**

If a temporary protection order or a protection order is granted pursuant to this chapter or a foreign protection order recognized pursuant to § 25-10-25 or 25-10-12.1, or if a no contact order is issued pursuant to § 25-10-23 or 25-10-25, and the respondent or person restrained knows of the order, violation of the order is a Class 1 misdemeanor. If the acts constituting a violation of this section also constitute a violation of § 22-18-1, 22-18-1.1, or 22-19A-1, the violation under this section is a Class 6 felony. If a respondent or person restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section, § 21-65-19, or § 22-19A-16 within ten years of committing the current offense, and the factual basis for the current offense occurred after the date of the second conviction or guilty plea, the respondent or person restrained is guilty of a Class 6 felony for any third or subsequent offense. Any proceeding under this chapter is in addition to other civil or criminal remedies.

An Act to create a penalty for violation of a vulnerable adult protection order and to revise certain provisions regarding protection orders.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1088

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2020 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2020

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2020  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1088  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State