

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

851X0424

HOUSE BILL NO. 1093

Introduced by: Representatives Schoenbeck, Bartling, Bolin, Cronin, Deutsch, DiSanto, Dryden, Duvall, Gibson, Harrison, Hawks, Hunhoff (Jean), Johns, Novstrup (Al), Rasmussen, Solum, Wiik, and Wollmann and Senators Tieszen, Buhl O'Donnell, Ewing, Haverly, Heinert, Holien, Monroe, Novstrup (David), Olson, Rusch, Shorma, Solano, Vehle, and White

1 FOR AN ACT ENTITLED, An Act to revise certain provisions that prohibit a defendant from
2 contacting a victim before a court appearance.

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

4 Section 1. That § 22-19A-17 be amended to read:

5 22-19A-17. While in custody after arrest for assault or stalking, no defendant may have or
6 be permitted any contact or communications, either directly or by means of a third party, with
7 the victim or the family or household members of the victim, until the defendant's initial court
8 appearance ~~or until such contact or communication is specifically authorized by the court.~~
9 Willful violation of this section is a Class 1 misdemeanor.

10 Section 2. That § 25-10-43 be amended to read:

11 25-10-43. While in custody after arrest for a crime involving domestic abuse, no defendant
12 may have or be permitted any contact or communications, either directly or by means of a third
13 party, with the victim or the family or household members of the victim, until the defendant's



- 1 initial court appearance ~~or until such contact or communication is specifically authorized by the~~
- 2 ~~court~~. Willful violation of this section is a Class 1 misdemeanor.