

AN ACT

ENTITLED, An Act to revise certain provisions regarding the arrest of certain victims of domestic abuse.

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

Section 1. That § 25-10-36.1 be amended to read:

25-10-36.1. No law enforcement officer who is called to the scene of a domestic abuse complaint is required to arrest any victim of domestic abuse for an outstanding warrant if:

- (1) The victim is not otherwise liable to arrest for any action arising out of the present incidence of domestic abuse; and
- (2) The outstanding warrant is for a nonviolent misdemeanor offense.

The victim is subject to arrest on an outstanding warrant after seventy-two hours have passed since the incidence of the domestic abuse call under this section.

The decision of an officer to arrest or not to arrest a victim on an outstanding warrant under this section may not constitute a cause of action against the officer, the law enforcement agency, the employing entity, or any of the employing entity's employees.

An Act to revise certain provisions regarding the arrest of certain victims of domestic abuse.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1104

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

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

Attest:

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

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

Attest:

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

House Bill No. 1104  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office
this \_\_\_\_ day of \_\_\_\_\_,

20\_\_ at \_\_\_\_\_ M.

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

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The attached Act is hereby
approved this \_\_\_\_\_ day of
\_\_\_\_\_, A.D., 20\_\_

\_\_\_\_\_  
Governor

=====
STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

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

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