

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

916T0599

HOUSE JUDICIARY ENGROSSED NO. **SB 149** 2/27/2012

Introduced by: Senators Cutler, Buhl, Haverly, Kraus, Krebs, Novstrup (Al), Peters, and Vehle and Representatives Novstrup (David), Blake, Conzet, Elliott, Hansen (Jon), Kirkeby, and Stricherz

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the conditional
2 release of persons charged with domestic abuse.

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

4 Section 1. That § 25-10-41 be amended to read as follows:

5 25-10-41. In determining the conditions of release under § 25-10-40, the court shall consider
6 the following conditions and may impose any condition it considers reasonably necessary to
7 protect the alleged victim of domestic abuse, including ordering the defendant:

8 (1) Not to subject the victim to further domestic abuse;

9 (2) To vacate the home of the victim;

10 (3) Not to contact the victim other than through counsel;

11 (4) To engage in counseling;

12 (5) To refrain from the consumption of alcohol or the use of drugs;

13 (6) To post bond pursuant to § 25-10-23.

14 As used in this section, the term "domestic abuse" means a violation of § 22-18-1 or 22-18-



1 1.1 if the victim is a family or household member.

2 Section 2. That § 25-10-40 be amended to read as follows:

3 25-10-40. No police officer or sheriff may release a person charged with assaulting a family
4 or household member, as defined in subdivision 25-10-1(2), or violating a protection order, as
5 provided for in this chapter, without providing notice to a committing magistrate judge or circuit
6 court. A committing magistrate judge or circuit court shall determine if bond or other conditions
7 of release are necessary for the protection of the alleged victim.

8 If the defendant is released without bond, a condition of no contact with the victim shall be
9 stated and incorporated into the terms of the conditional release. Willful violation of any such
10 no contact provision is a Class 1 misdemeanor.