

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

835V0098

SENATE BILL NO. 4

Introduced by: Senators Sohlt, Peters, and Tieszen and Representatives Stevens, Bolin, Conzet, Gibson, Rozum, and Soli at the request of the Interim Domestic Abuse Study Committee

1 FOR AN ACT ENTITLED, An Act to ensure, by service, notice to the respondent and
2 opportunity for the respondent to be heard prior to enforcement of certain foreign domestic
3 protection orders.

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

5 Section 1. That § 25-10-12.1 be amended to read as follows:

6 25-10-12.1. Any domestic ~~violence~~ abuse protection order, or any stalking or physical
7 violence protection order, issued by a court of competent jurisdiction of another state, Indian
8 tribe, the District of Columbia, or a commonwealth, territory, or possession of the United States,
9 and duly served on the respondent by the issuing jurisdiction, is enforceable as if the order was
10 issued by a court in this state if all of the following requirements are satisfied:

- 11 (1) The respondent received notice of the order in compliance with requirements of the
12 issuing jurisdiction;
- 13 (2) The order is in effect in the issuing jurisdiction;
- 14 (3) The issuing court had jurisdiction over the parties and the subject matter;



- 1 (4) The respondent ~~was~~ is or has been afforded reasonable notice and opportunity to be
2 heard sufficient to protect that person's right to due process in the issuing jurisdiction.
3 In the case of ex parte orders, notice and opportunity to be heard ~~must have~~ has been
4 provided within the time required by the law of the issuing jurisdiction; and, in any
5 event, within a reasonable time after the order was issued, sufficient to protect the
6 respondent's due process rights;
- 7 (5) If the order also provides protection for the respondent, a petition, application, or
8 other written pleading was filed with the issuing court seeking such an order and the
9 issuing court made specific findings that the respondent was entitled to the order; and
- 10 (6) The prohibited conduct violative of the foreign protection order could be prohibited
11 by a protection order if issued in this state.

12 Any protection order meeting the requirements of this section is a foreign domestic ~~violence~~
13 abuse protection order or a foreign stalking or physical violence protection order.