

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

835V0098

SENATE JUDICIARY ENGROSSED NO. **SB 4-** **02/06/2014**

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 notice to the respondent and opportunity for the
2 respondent to be heard prior to enforcement of certain foreign domestic protection orders.

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

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

5 25-10-12.1. Any domestic ~~violence~~ abuse protection order, or any stalking or physical
6 violence protection order, issued by a court of competent jurisdiction of another state, Indian
7 tribe, the District of Columbia, or a commonwealth, territory, or possession of the United States
8 is enforceable as if the order was issued by a court in this state if all of the following
9 requirements are satisfied:

- 10 (1) The respondent received notice of the order in compliance with requirements of the
11 issuing jurisdiction;
- 12 (2) The order is in effect in the issuing jurisdiction;
- 13 (3) The issuing court had jurisdiction over the parties and the subject matter;
- 14 (4) The respondent ~~was~~ is or has been afforded reasonable notice and opportunity to be



1 heard sufficient to protect that person's right to due process in the issuing jurisdiction.

2 In the case of ex parte orders, notice and opportunity to be heard ~~must have~~ is or has
3 been provided within the time required by the law of the issuing jurisdiction; and, in
4 any event, within a reasonable time after the order was issued, sufficient to protect
5 the respondent's due process rights;

6 (5) If the order also provides protection for the respondent, a petition, application, or
7 other written pleading was filed with the issuing court seeking such an order and the
8 issuing court made specific findings that the respondent was entitled to the order; and

9 (6) The prohibited conduct violative of the foreign protection order could be prohibited
10 by a protection order if issued in this state.

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