

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

666B0696

SENATE BILL NO. 143

Introduced by: Senator Nelson and Representatives Pischke, Dennert, Frye-Mueller, and Goodwin

1 FOR AN ACT ENTITLED, An Act to revise visitation rights of a person causing conception
2 by rape or incest.

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

4 Section 1. That § 25-4A-20 be amended to read:

5 25-4A-20. ~~If it is in the best interest of the child, the court may prohibit, revoke, or restrict~~
6 ~~visitation rights to a child for any person who has caused the child to be conceived as a result~~
7 ~~of rape or incest.~~ There shall be a rebuttable presumption that it is not in the best interest of the
8 child for the court to place the child in the custody of or to grant visitation rights to a person that
9 the court has found by a standard of clear and convincing evidence to have committed any act
10 of nonconsensual sexual conduct, including any act of incest, against the other parent that
11 resulted in the conception of the child. The court may revoke visitation rights upon such a
12 finding.

