

AN ACT

ENTITLED, An Act to provide for the delayed arrest, under certain circumstances, in regard to certain outstanding warrants for victims of domestic abuse with minor children.

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

Section 1. No law enforcement officer, 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;
- (2) The outstanding warrant is for a nonviolent misdemeanor offense; and
- (3) The victim is the custodial parent or immediate caregiver of a minor child.

However, the victim is subject to arrest on any outstanding warrant after seventy-two hours have passed since the incidence of the domestic abuse call.

The decision of an officer to arrest or not to arrest a victim on an outstanding warrant does 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 provide for the delayed arrest, under certain circumstances, in regard to certain outstanding warrants for victims of domestic abuse with minor children.

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I certify that the attached Act originated in the

SENATE as Bill No. 2

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 2
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

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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