

AN ACT

ENTITLED, An Act to permit the court reciprocal discretion to hear certain petitions for protection orders due to domestic abuse and for protection orders due to stalking or physical injury.

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

Section 1. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as follows:

If a petition for a protection order alleging the existence of domestic abuse is filed with the court pursuant to § 25-10-3 and, if the court, upon an initial review, determines that the allegations do not support the existence of domestic abuse, but that the allegations do support the existence of stalking or physical injury pursuant to § 22-19A-8, the court, in its discretion, may hear and act upon the petition as though the petition had been filed under § 22-19A-8 and subject to the provisions of chapter 22-19A.

Section 2. That chapter 22-19A be amended by adding thereto a NEW SECTION to read as follows:

If a petition for a protection order alleging the existence of stalking or physical injury is filed with the court pursuant to § 22-19A-8 and, if the court, upon an initial review, determines that the allegations do not support the existence of stalking or physical injury, but that the allegations do support the existence of domestic abuse pursuant to § 25-10-3, the court, in its discretion, may hear and act upon the petition as though the petition had been filed under § 25-10-3 and subject to the provisions of chapter 25-10.

An Act to permit the court reciprocal discretion to hear certain petitions for protection orders due to domestic abuse and for protection orders due to stalking or physical injury.

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I certify that the attached Act originated in the

SENATE as Bill No. 5

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. 5
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