



2024 South Dakota Legislature
House Bill 1096
ENROLLED

AN ACT

ENTITLED An Act to provide that a temporary restraining order may extend beyond thirty days in certain circumstances involving stalking.

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

Section 1. That a NEW SECTION be added to chapter 22-19A:

If an ex parte temporary protection order is in effect and a judge issues a protection order pursuant to § 22-19A-8, the ex parte temporary protection order remains effective until the order issued pursuant to § 22-19A-8 is served on the respondent.

Section 2. That § 22-19A-12 be AMENDED:

22-19A-12. If an affidavit filed with an application under § 22-19A-8 alleges that immediate and irreparable injury, loss, or damage is likely to result before an adverse party or the party's attorney can be heard in opposition, the court may grant an ex parte temporary protection order pending a full hearing and granting relief as the court deems proper, including an order restraining any person from committing acts of stalking or physical injury as a result of an assault or a crime of violence as defined in subdivision 22-1-2(9). An ex parte temporary protection order is effective for a period of thirty days, except as provided in section 1 of this Act, unless for good cause the court grants a continuance. No continuance may exceed thirty days unless the court finds good cause for the additional continuance and:

- (1) The parties stipulate to an additional continuance; or
- (2) The court finds that law enforcement is unable to locate the respondent for purposes of service of the ex parte protection order.

If a continuance is granted, the court by order shall extend the ex parte temporary protection order until the rescheduled hearing date. The respondent shall be personally served without delay with a copy of the ex parte order along with a copy of the petition, affidavit, and notice of the date set for the hearing.

An Act to provide that a temporary restraining order may extend beyond thirty days in certain circumstances involving stalking.

I certify that the attached Act originated in
the:
House as Bill No. 1096

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1096
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State