

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

691V0096

## SENATE JUDICIARY ENGROSSED NO. **SB 2-** **01/28/2014**

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

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

5 Section 1. No law enforcement officer, called to the scene of a domestic abuse complaint,  
6 is required to arrest any victim of domestic abuse for an outstanding warrant if:

- 7 (1) The victim is not otherwise liable to arrest for any action arising out of the present  
8 incidence of domestic abuse;
- 9 (2) The outstanding warrant is for a nonviolent misdemeanor offense; and
- 10 (3) The victim is the custodial parent or immediate caregiver of a minor child who is  
11 present at the time.

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

14 The decision of an officer to arrest or not to arrest a victim on an outstanding warrant does



- 1 not constitute a cause of action against the officer, the law enforcement agency, the employing
- 2 entity, or any of the employing entity's employees.