

2020 South Dakota Legislature

Senate Bill Draft 200

Introduced by:

1 **An Act to provide immunity for qualified mental health professionals at appropriate**
2 **regional facilities.**

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

4 **Section 1.** That § 27A-10-23 be AMENDED:

5 **27A-10-23. Immunity from liability -- Mobile crisis referral -- Exception**

6 Any law enforcement officer or authority, or any qualified mental health
7 professional in a clinic~~or,~~ hospital, or appropriate regional facility, who in good faith
8 transferred direct supervision of a person to a mobile crisis team or a crisis intervention
9 team certified law enforcement officer, is immune from any civil liability for such referral.
10 Any member of a mobile crisis team or a crisis intervention team certified law enforcement
11 officer, whose actions, in the supervision, examination, or placement of a person in
12 compliance with this section and §§ 27A-10-20 to 27A-10-22, inclusive, are taken in good
13 faith, are immune from any civil liability for the referral, supervision, examination,
14 transfer, or placement of the person. The immunity from civil liability under this section
15 and §§ 27A-10-20 to 27A-10-22, inclusive, does not apply if injury results from gross
16 negligence or willful or wanton misconduct. Any law enforcement officer or authority who
17 acts in compliance with subsection 27A-10-21(2)(b) and § 34-20A-57 is not criminally or
18 civilly liable for the officer's or authority's actions.