

2020 South Dakota Legislature

Senate Bill Draft 247

Introduced by:

1 **An Act to require certain examinations of persons awaiting involuntary commitment**
2 **hearings.**

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

4 **Section 1.** That § 27A-10-6 be AMENDED:

5 **27A-10-6. Examination of person detained -- Report to chair -- Expenses of**
6 **examination**

7 Within twenty-four hours after the apprehension of any person who allegedly
8 requires emergency intervention ~~or under § 27A-10-2 or 27A-10-3,~~ a hold is initiated on
9 the person pursuant to § 27A-8-10.1, or a petition is filed pursuant to § 27A-8-11.2, a
10 qualified mental health professional designated by the chair of the county board of mental
11 illness serving the area where the person is detained, ~~other than the person bringing~~
12 qualified mental health professional who brought the petition or ~~initiating~~ initiated the
13 hold, shall perform an examination, including a mental status examination, ~~of~~ on the
14 person. The qualified mental health professional shall perform the examination for each
15 twenty-four-hour period during which the person is detained.

16 Preceding ~~the each~~ examination, the qualified mental health professional shall
17 identify herself or himself to the person and explain the nature and purpose of the
18 examination, including ~~the fact that it~~ the examination is being performed to assist in the
19 determination of whether ~~custody the person~~ should continue to be detained and that the
20 examination may be used as evidence in an involuntary commitment hearing. The
21 qualified mental health professional shall immediately report ~~any the~~ findings from each
22 examination performed under this section to the chair of the county board of mental
23 illness.

24 The referring county shall pay any expenses of the examination by the qualified
25 mental health professional, subject to reimbursement by the county ultimately proven to
26 be the county of residence. No lien may be placed against the person for the costs incurred
27 in the qualified mental health professional examination.