

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.