

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

618R0402

HOUSE BILL NO. 1131

Introduced by: Representatives Cutler, Engels, Krebs, Schlekeway, Solberg, and Thompson
and Senators Dempster, Abdallah, Heidepriem, Knudson, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning intoxicated or
2 incapacitated persons who may be taken into protective custody.

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

4 Section 1. That § 34-20A-55 be amended to read as follows:

5 34-20A-55. Any person who appears to be intoxicated or incapacitated by the effects of
6 alcohol or drugs ~~in a public place~~ and is clearly dangerous to the health and safety of himself
7 or herself or others may be taken into protective custody by law enforcement authorities, acting
8 with probable cause, ~~and, if~~. If the person is taken into protective custody, the person shall be
9 taken ~~forthwith~~ to an approved treatment facility offering detoxication services for emergency
10 commitment. If emergency commitment is not appropriate, as determined by the administrator
11 of the treatment facility or an authorized designee, the person may be detained as a patient in
12 protective custody until no longer intoxicated; or up to forty-eight hours after admission. If no
13 approved treatment facility is readily available ~~he, the person~~ shall be taken to an emergency
14 medical service or a jail, but only until ~~he~~ the person is no longer intoxicated or incapacitated
15 or only so long as may be necessary to prevent injury to himself or herself or others.

