

AN ACT

ENTITLED, An Act to provide for the referral and placement of certain individuals in need of intervention.

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

Section 1. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read as follows:

If any law enforcement officer has probable cause to believe that a person requires emergency nonmedical intervention pursuant to § 27A-10-1, as an alternative to apprehension and transfer to an appropriate regional facility pursuant to § 27A-10-3, the officer may refer the person to the direct supervision of any member of a mobile crisis team or crisis intervention team certified law enforcement officer. If any member of the mobile crisis team or the crisis intervention team certified law enforcement officer accepts direct supervision of the person, in writing, the member or officer may:

- (1) Resolve the intervention on a voluntary basis, either at the person's home or with the assistance of any public or private community service that the patient is willing to accept. Any team member may request the assistance of law enforcement for the voluntary transfer of the person; or
- (2) Direct that the law enforcement officer proceed with the apprehension of the person and transport the person to either:
 - (a) An appropriate regional facility for an emergency intervention and a mental illness examination as provided in § 27A-10-6; or
 - (b) An approved treatment facility offering detoxication services for chemical dependency emergencies as provided in §§ 34-20A-55 and 34-20A-56.

Section 2. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read as

follows:

The provisions of section 1 of this Act do not limit the law enforcement officer's discretion in arresting a person for a criminal offense. However, the law enforcement officer shall give priority to placing a severely mentally ill person who has also committed a misdemeanor offense in a mental health facility and a person intoxicated or incapacitated by the effects of alcohol or drugs, as defined by § 34-20A-2, who has also committed a misdemeanor offense in a detoxification facility.

Section 3. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in this Act mean:

- (1) "Crisis intervention team certified law enforcement officer," any law enforcement officer who has undergone a comprehensive training program in crisis intervention techniques involving any person who is mentally ill or has substance abuse issues and has received certification as a crisis intervention officer by the officer's department;
- (2) "Crisis intervention team," a team of law enforcement officers and individuals who have undergone a comprehensive training program in crisis intervention techniques involving any person who is mentally ill or has chemical dependency or substance abuse issues;
- (3) "Mobile crisis team," an interdisciplinary team of one or more mental health professionals able to respond to any person in the community, usually visiting the person at home, for mental health and chemical dependency or abuse intervention;
- (4) "Team member," any person who is a member of a crisis intervention team or a mobile crisis team.

Section 4. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read as follows:

Any law enforcement officer or authority, who in good faith transferred direct supervision of a

person to a mobile crisis team or a crisis intervention team certified law enforcement officer, is immune from any civil liability for such referral. Any member of a mobile crisis team or a crisis intervention team certified law enforcement officer, whose actions, in the supervision, examination, or placement of a person in compliance with this Act, are taken in good faith, are immune from any civil liability for the referral, supervision, examination, transfer, or placement of the person. The immunity from civil liability under this Act does not apply if injury results from gross negligence or willful or wanton misconduct. Any law enforcement officer or authority who acts in compliance with subsection (2)(b) of section 1 of this Act and § 34-20A-57 is not criminally or civilly liable for the officer's or authority's actions.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1132

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1132

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State