

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

375R0401

HOUSE JUDICIARY ENGROSSED NO. **HB 1132** 2/16/2010

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 provide for the referral and placement of certain
2 individuals in need of intervention.

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

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

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

13 (1) Resolve the intervention on a voluntary basis, either at the person's home or with the
14 assistance of any public or private community service that the patient is willing to



1 accept. Any team member may request the assistance of law enforcement for the
2 voluntary transfer of the person; or

3 (2) Direct that the law enforcement officer proceed with the apprehension of the person
4 and transport the person to either:

5 (a) An appropriate regional facility for an emergency intervention and a mental
6 illness examination as provided in § 27A-10-6; or

7 (b) An approved treatment facility offering detoxication services for chemical
8 dependency emergencies as provided in §§ 34-20A-55 and 34-20A-56.

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

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

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

19 Terms used in this Act mean:

20 (1) "Crisis intervention team certified law enforcement officer," any law enforcement
21 officer who has undergone a comprehensive training program in crisis intervention
22 techniques involving any person who is mentally ill or has substance abuse issues and
23 has received certification as a crisis intervention officer by the officer's department;

24 (2) "Crisis intervention team," a team of law enforcement officers and individuals who

1 have undergone a comprehensive training program in crisis intervention techniques
2 involving any person who is mentally ill or has chemical dependency or substance
3 abuse issues;

4 (3) "Mobile crisis team," an interdisciplinary team of one or more mental health
5 professionals able to respond to any person in the community, usually visiting the
6 person at home, for mental health and chemical dependency or abuse intervention;

7 (4) "Team member," any person who is a member of a crisis intervention team or a
8 mobile crisis team.

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

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