

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

714B0726

SENATE BILL NO. 178

Introduced by: Senators Everist, Brown (Arnold), Daugaard, Hainje, Ham, Kleven, Vitter, and
Whiting and Representative Eccarius

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to involuntary
2 commitment for alcohol or drug treatment.

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

4 Section 1. That § 34-20A-70 be amended to read as follows:

5 34-20A-70. A person may be committed by the circuit court upon the petition of ~~his~~ the
6 person's spouse or guardian, a relative, a physician, the administrator of any approved treatment
7 facility or any other responsible person. Any person applying for commitment shall do so to the
8 circuit court through the clerk of courts of the county in which the person to be committed
9 resides or is present. The circuit court judge, upon receipt of a written application prepared by
10 the clerk of courts, shall appoint an attorney to represent the applicant. The appointed attorney
11 shall investigate the grounds upon which the application is based and shall within five days,
12 excluding Saturdays, Sundays, and legal holidays, submit a petition for commitment and a written
13 report to the circuit court as to whether probable cause exists that the person subject of the
14 petition is an alcoholic or drug abuser. All information obtained as a result of the investigation
15 and written report shall be documented and made a part of the record of any further proceedings.

1 The petition shall allege that the person is an alcoholic or drug abuser who habitually lacks
2 self-control as to the use of alcoholic beverages or other drugs and ~~that he~~:

3 (1) Has threatened, attempted, or inflicted physical harm on himself or herself or on
4 another and that unless committed is likely to inflict harm on himself or on another;

5 or

6 (2) Is incapacitated by the effects of alcohol or drugs; or

7 (3) Is pregnant and abusing alcohol or drugs.

8 A refusal to undergo treatment does not constitute evidence of lack of judgment as to the
9 need for treatment.