

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

625C0433

HOUSE ENGROSSED NO. **HB1130** - 2/8/99

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Michels, Diedtrich (Elmer), Fischer-Clemens, Sutton (Duane), and Wilson and Senators Albers and Bogue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the involuntary
2 commitment of certain mentally ill persons.

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 person presents to a facility licensed by the state as a hospital, other than the Human
7 Services Center, and after an examination by a qualified mental health professional it is
8 determined that the person is severely mentally ill and in such condition that immediate
9 intervention is necessary to protect the person from physical harm to self or others, the qualified
10 mental health professional may initiate a twenty-four hour hold on the person and retain the
11 person at the hospital for purposes of observation and emergency treatment. The hospital or the
12 qualified mental health professional shall notify the chair of the county board of mental illness
13 of the twenty-four hour hold. The qualified mental health professional shall petition for
14 commitment of the person according to §§ 27A-10-1 and 27A-10-4. The person shall be
15 afforded rights according to § 27A-10-5. If a petition for emergency commitment pursuant to
16 § 27A-10-1 is not filed within twenty-four hours, the person shall be released.

1 Section 2. That § 27A-15-31 be amended to read as follows:

2 27A-15-31. After examination of a petition filed pursuant to § 27A-15-30, the ~~chairman~~ chair
3 of the county board may order the apprehension and transportation of a minor who meets the
4 criteria in § 27A-15-30, for involuntary commitment to an appropriate regional facility other than
5 the center. A jail ~~shall~~ may not be used for the custody of a minor. However, a juvenile detention
6 facility may be used for pre-hearing custody if the availability of other appropriate regional
7 facilities has been explored and exhausted. If an appropriate regional facility maintains a separate
8 unit for minors, a minor may not be confined with adult detainees or patients. A minor may not
9 be confined in an appropriate regional facility ~~which~~ that does not maintain a separate unit for
10 minors until the availability of other appropriate regional facilities maintaining a separate unit for
11 minors has been explored and exhausted. If a minor must be placed in a facility ~~which~~ that does
12 not have a separate unit for minors, the minor shall be provided separate sleeping quarters and,
13 to the maximum extent possible, separate day areas. Adequate supervision shall be provided.
14 Effective January 1, 1993, appropriate regional facilities shall have a separate unit on which
15 minors may be confined.

1 **BILL HISTORY**

2 1/22/99 First read in House and referred to Health and Human Services. H.J. 130

3 2/3/99 Scheduled for Committee hearing on this date.

4 2/3/99 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 340

5 2/4/99 Health and Human Services Hog Housed.

6 2/5/99 Motion to Amend, Passed. H.J. 402

7 2/5/99 House of Representatives Do Pass Amended, Passed, AYES 60, NAYS 3. H.J. 402