

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0284

SENATE BILL NO. 32

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to revise the notice of hearing requirements pertaining to
2 costs on petitions for authority to administer psychotropic medication.

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

4 Section 1. That § 27A-12-3.14 be amended to read as follows:

5 27A-12-3.14. Certified copies of the petition and notice of hearing shall be personally served
6 by the sheriff on the person immediately upon the filing of the petition. The notice of hearing shall
7 include the following:

- 8 (1) Notice of the time, date, and place of hearing and directing the person to appear in
9 person;
- 10 (2) Notice of the person's right to be represented by an attorney at his the person's own
11 expense or appointed by the court if ~~he~~ the person is indigent;
- 12 (3) Notice of the person's right to seek an opinion of an independent psychiatrist at his the
13 person's own expense or at the expense of his the person's county of residence if ~~he~~ the
14 person is indigent; and
- 15 (4) Notice that the costs of any ~~commitment proceedings~~ post-commitment, treatment,

1 medication, and any hearing related to the medication, any post-commitment
2 proceeding, including a habeas corpus proceeding, the costs of compensation for the
3 attorney appointed to represent the person, and any other costs associated with any
4 post-commitment proceeding, are that person's responsibility, and that a lien for the
5 amount of these costs may be filed upon the person's real and personal property to
6 insure payment.

7 Upon the filing of the petition the court shall immediately appoint counsel for the person if
8 counsel has not been retained. A date shall be set for the hearing within fifteen days of the filing
9 of the petition, and this hearing shall be a priority on the court calendar. Allowance for any
10 additional time shall be limited to one seven-day continuance, and shall be restrictively granted,
11 only upon a showing of good cause for delay.