

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0340

## SENATE BILL NO. 33

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 proscribe the crime of assisting in the escape of an  
2 involuntarily committed person from the South Dakota Human Services Center or the South  
3 Dakota Developmental Center and to provide penalties therefor.

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

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

7 Any state employee or any employee of an agency under contract to the State of South  
8 Dakota who knowingly and intentionally allows or assists in the escape or release of an  
9 involuntarily committed person from the Human Services Center, through acts or omission, is  
10 guilty of a Class 6 felony. Any other person who knowingly and intentionally allows or assists  
11 in the escape or release of an involuntarily committed person from the Human Services Center,  
12 through acts or omission, is guilty of a Class 1 misdemeanor.

13 The term, escape, or, release, as used in this section includes departure without lawful  
14 authority or failure to return to custody following a temporary leave granted for a specific  
15 purpose or limited period.

1 Section 2. That chapter 27B-7 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 Any state employee or any employee of an agency under contract to the State of South  
4 Dakota who knowingly and intentionally allows or assists in the escape or release of an  
5 involuntarily committed person from the South Dakota Developmental Center, through acts or  
6 omission, is guilty of a Class 6 felony. Any other person who knowingly and intentionally allows  
7 or assists in the escape or release of an involuntarily committed person from the South Dakota  
8 Developmental Center, through acts or omission, is guilty of a Class 1 misdemeanor.

9 The term, escape, or, release, as used in this section includes departure without lawful  
10 authority or failure to return to custody following a temporary leave granted for a specific  
11 purpose or limited period.