

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

529I0714

SENATE BILL NO. 206

Introduced by: Senator Symens

1 FOR AN ACT ENTITLED, An Act to restrict the liability for criminal prosecution arising out
2 of the detainment or commitment of certain persons during drug related protective custody,
3 emergency commitment, and involuntary commitment proceedings.

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

5 Section 1. That chapter 34-20A be amended by adding thereto a NEW SECTION to read
6 as follows:

7 No person detained or committed pursuant to § 34-20A-55, 34-20A-63, or 34-20A-70 is
8 liable to criminal prosecution arising out of such detainment or commitment process if the person
9 detained or committed:

- 10 (1) Was not, prior to detainment or commitment, in custody on drug charges or was not,
11 at the time of detainment or commitment, currently charged with any drug violation;
12 and
- 13 (2) Waives his or her right to hearing pursuant to chapter 34-20A; and
- 14 (3) Willingly stipulates and consents to involuntary placement for drug treatment; and
- 15 (4) Successfully completes drug treatment and complies with such aftercare conditions
16 as may be ordered by the court.



1 Section 2. That chapter 34-20A be amended by adding thereto a NEW SECTION to read
2 as follows:

3 If any person is detained or committed under such circumstances as are described in section
4 1 of this Act, any evidence of any drug violation seized during any legal search of the person or
5 the person's residence, vehicle, immediate surroundings, or personal belongings shall be
6 suppressed if such evidence is seized:

7 (1) During a search predicated on information volunteered as part of an application or
8 affidavit for involuntary commitment; or

9 (2) During the execution of a protective custody order or as a continuation of the
10 execution of a protective custody order.

11 Section 3. That chapter 34-20A be amended by adding thereto a NEW SECTION to read
12 as follows:

13 No person who petitions or applies pursuant to § 34-20A-55, 34-20A-63, or 34-20A-70 for
14 the detainment or commitment of some other person is liable to criminal prosecution arising out
15 of such detainment or commitment process.