

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

637N0119

HOUSE BILL NO. 1092

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to permit court services officers to monitor compliance with
2 certain prescribed regimens.

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

4 Section 1. That § 23A-26-12.6 be amended to read as follows:

5 23A-26-12.6. The court shall order a court services officer or the director of a medical
6 facility ~~responsible for administering~~ to monitor compliance of the regimen imposed on an
7 acquitted person conditionally discharged under § 23A-26-12.5. The person appointed by the
8 court shall notify the prosecuting attorney and the court having jurisdiction over the person of
9 any failure of the person to comply with the regimen. Upon such notice, or upon other probable
10 cause to believe that the person has failed to comply with the prescribed regimen of medical,
11 psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest,
12 shall be taken without unnecessary delay before the court having jurisdiction over him or her.
13 The court shall, after hearing, determine whether the person should be remanded to a suitable
14 facility on the ground that, in light of ~~his~~ the failure to comply with the prescribed regimen of
15 medical, psychiatric, or psychological care or treatment, his or her continued release would
16 create a substantial risk of bodily injury to another person or serious damage to property of



1 another.