

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

249N0574

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1194 - 02/07/2007

Introduced by: Representatives Miles, Ahlers, Peters, Pitts, Rounds, and Weems and
Senators Koetzle, Abdallah, Albers, and Hauge

1 FOR AN ACT ENTITLED, An Act to authorize the disclosure of certain confidential
2 information when a person who is subject to commitment proceedings has communicated
3 a serious threat of serious physical injury against a reasonably identifiable victim.

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

5 Section 1. That § 27A-12-29 be amended to read as follows:

6 27A-12-29. Information may be disclosed in the discretion of the holder of the record:

- 7 (1) As necessary or beneficial in order for the person, or persons acting on behalf of the
8 person, to apply for and acquire benefits for the person, including third-party
9 financial payments, assistance, or services and follow-up, care, and treatment by local
10 centers serving the area to which a person is expected to go upon temporary or
11 permanent release or discharge; ~~or~~
- 12 (2) As necessary or beneficial for evaluation and accreditation; ~~or~~
- 13 (3) As necessary or beneficial to train persons enrolled in an accredited course leading
14 to a degree and qualification, certification, or registration as a qualified mental health
15 professional, licensed practical nurse, registered nurse, psychologist, social worker,



- 1 physical therapist, occupational therapist, laboratory technician, medical records
2 professional, dietician, or other health care professional; ~~or~~
- 3 (4) Upon request of the Human Services Center, with disclosure of records limited to
4 relevant medical and psychiatric records; or
- 5 (5) If any person subject to the proceedings under this chapter has communicated a
6 serious threat of serious physical injury against a reasonably identifiable victim, the
7 person with knowledge of the threat may disclose the threat to the potential victim
8 or to any law enforcement officer, or both. No cause of action may arise under this
9 chapter against the person who, in good faith, discloses the threat to a potential
10 victim or law enforcement officer pursuant to the provisions of this subdivision.