AN ACT

ENTITLED, An Act to revise certain provisions concerning intoxicated or incapacitated persons who may be taken into protective custody.

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

Section 1. That § 34-20A-55 be amended to read as follows:

34-20A-55. Any person who appears to be intoxicated or incapacitated by the effects of alcohol or drugs and is clearly dangerous to the health and safety of himself or herself or others may be taken into protective custody by law enforcement authorities, acting with probable cause. If the person is taken into protective custody, the person shall be taken to an approved treatment facility offering detoxication services for emergency commitment. If emergency commitment is not appropriate, as determined by the administrator of the treatment facility or an authorized designee, the person may be detained as a patient in protective custody until no longer intoxicated or up to forty-eight hours after admission. If no approved treatment facility is readily available, the person shall be taken to an emergency medical service or a jail, but only until the person is no longer intoxicated or incapacitated or only so long as may be necessary to prevent injury to himself or herself or others.

An Act to revise certain provisions concerning intoxicated or incapacitated persons who may be taken into protective custody.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1131

_____
Chief Clerk

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_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1131
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State