



2023 South Dakota Legislature

Senate Bill 7

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 **An Act to clarify emergency commitments of severely mentally ill persons by**
 2 **appropriate regional facilities.**

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

4 **Section 1. That § 27A-10-19 be AMENDED:**

5 **27A-10-19.** If any person presents to a facility licensed by the state as a hospital
 6 or designated as an appropriate regional facility, other than the Human Services Center,
 7 and after an examination by a qualified mental health professional it is determined that
 8 the person is severely mentally ill and in such condition that immediate intervention is
 9 necessary to protect the person from physical harm to self or others, the qualified mental
 10 health professional may initiate a twenty-four--hour hold on the person and retain the
 11 person at the hospital or appropriate regional facility for purposes of observation and
 12 emergency treatment. The hospital, the appropriate regional facility, or the qualified
 13 mental health professional shall notify the chair of the county board of mental illness of
 14 the twenty-four--hour hold. The qualified mental health professional shall petition for
 15 commitment of the person according to §§ 27A-10-1 and 27A-10-4. The person shall be
 16 afforded rights according to § 27A-10-5. If a petition for emergency commitment pursuant
 17 to § 27A-10-1 is not filed within twenty-four hours, the person ~~shall~~ must be released.