



## 2023 South Dakota Legislature

# House Bill 1174

Introduced by: **Representative Mulder**

1 **An Act to revise civil commitment procedures for offenders with developmental**  
 2 **disabilities.**

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

4 **Section 1. That § 27B-7-37 be AMENDED:**

5 **27B-7-37.** A county review board may order the involuntary commitment of a  
 6 person if the review board finds, by clear and convincing evidence supported by written  
 7 findings of fact and conclusions of law, that the person has a developmental disability, and  
 8 that due to the development disability, the person poses an immediate danger of physical  
 9 injury to self or others making it necessary or advisable to receive appropriate supports  
 10 and services. If the person was charged with a crime of violence, as defined in § 22-1-2,  
 11 and the charge was dismissed by a court pursuant to § 23A-10A-14, the requirement that  
 12 the person poses an immediate danger of physical injury to self or others is satisfied if the  
 13 board, after considering any recommendation of the approved facility and any other  
 14 evidence presented, finds that the person:

- 15 (1) Committed the offense that was dismissed;  
 16 (2) Has serious difficulty controlling the person's behavior; and  
 17 (3) Is likely to commit another crime of violence.

18 If the person is found to meet the criteria for involuntary commitment, the county  
 19 review board may order the person to be placed under the control and care of the  
 20 Department of Human Services for placement in appropriate programs. If the person  
 21 refuses to comply with this order, the board may direct a law enforcement officer to take  
 22 the person into protective custody.