



2023 South Dakota Legislature
Senate Bill 64
ENROLLED

AN ACT

ENTITLED An Act to repeal provisions related to the jail mental health screening pilot program and oversight council.

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

Section 1. That § 23A-10A-17 be REPEALED.

Section 2. That § 23A-50-1 be AMENDED:

23A-50-1. Terms used in this chapter and § 23A-46-1 mean:

- (1) "Mental health response team," a support team tasked with finding viable community resources to help persons with severe mental illness involved in the court system;
- (2) "Psychiatric certification," a credential obtained by passing the psychiatric-mental health nursing board certification through the American Nurses Credentialing Center; and
- (3) "Telehealth," a mode of delivering healthcare services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management, and self-management of patients at a distance from health care providers.

Section 3. That § 23A-50-2 be REPEALED.

Section 4. That § 23A-50-3 be REPEALED.

Section 5. That § 23A-50-4 be REPEALED.

Section 6. That § 23A-50-5 be AMENDED:

23A-50-5. The Association of County Commissioners, formed pursuant to § 7-7-28, may create and administer a fund for the purpose of assisting counties with the cost

of competency evaluations for defendants for whom an evaluation has been ordered by the court. The Department of Social Services may contract with the association to reallocate funds used at the Human Services Center on contractual services for forensic evaluations to be administered through this fund. The fund may also receive and distribute money from any other source. The association board of directors shall provide procedures for the equitable distribution of money from this fund to the counties utilizing court-ordered competency evaluations and provide for the payment of an administrative fee and other reasonable expenses related to the administration of the fund. The association shall report to the Department of Social Services the amount distributed annually in total and by county and the number of competency evaluations completed with funds from the program. The liability of the association related to the administration of this fund shall be limited to the money as is available for such purposes in the fund.

Section 7. That § 23A-50-6 be AMENDED:

23A-50-6. The presiding judge of each judicial circuit may appoint one or more mental health response teams. Each team appointed must include a court services officer for the jurisdiction where the team is to operate, a mental health provider, and a member of law enforcement, and may also include a representative that works with jail administration and one or more representatives from the public. The Unified Judicial System shall maintain a record of the membership of each team. The team may operate telephonically or through electronic communications.

The records prepared or maintained by the team are confidential. Notwithstanding, the records may be inspected by or disclosed to justices, judges, magistrates, and employees of the Unified Judicial System in the course of their duties or to any person specifically authorized by order of the court.

Section 8. That § 23A-50-8 be REPEALED.

Section 9. That § 23A-50-12 be REPEALED.

Section 10. That § 23A-50-13 be REPEALED.

Section 11. That § 23A-50-14 be REPEALED.

Section 12. That § 24-11-55 be REPEALED.

Section 13. That § 24-11-56 be REPEALED.

Section 14. That § 24-11-57 be REPEALED.

Section 15. That § 24-11-58 be REPEALED.

Section 16. That § 24-11-59 be REPEALED.

Section 17. That § 24-11-59.1 be REPEALED.

An Act to repeal provisions related to the jail mental health screening pilot program and oversight council.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 64

2023 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2023

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 64
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State