

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

585X0136

SENATE BILL NO. 79

Introduced by: Senators Peters, Bradford, Brown, Cammack, Ewing, Fiegen, Frerichs, Haverly, Heinert, Holien, Novstrup (David), Omdahl, Rusch, Tidemann, and White and Representatives Hunhoff (Jean), Anderson, Cronin, Dryden, Hawks, Hawley, Johns, Partridge, Romkema, Rounds, and Willadsen

1 FOR AN ACT ENTITLED, An Act to expand the list of professionals authorized to perform
2 certain examinations required for a plea of guilty but mentally ill.

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

4 Section 1. That § 23A-7-16 be amended to read:

5 23A-7-16. In addition to the requirements of §§ 23A-7-4 and 23A-7-5, if a defendant
6 charged with a felony pleads guilty but mentally ill, the court may not accept the plea until the
7 defendant has been examined by a licensed psychiatrist or a court-approved licensed
8 psychologist and the court has examined the psychiatric reports. The court shall hold a hearing
9 on the defendant's mental condition and, if there is a factual basis on which the court can
10 conclude that the defendant was mentally ill at the time of the offense, the plea shall be
11 accepted.

