

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

714Y0001

HOUSE JUDICIARY ENGROSSED NO. **HB 1100** 2/3/2017

Introduced by: Representatives Johns, Bartling, Haugaard, Hawley, Heinemann, Holmes, Hunhoff, Lust, Otten (Herman), Ring, Rounds, Smith, Steinhauer, and Turbiville and Senators Solano, Cronin, Greenfield (Brock), Haverly, Maher, Novstrup, Peters, Rusch, and White

1 FOR AN ACT ENTITLED, An Act to allow law enforcement to initiate a mental illness hold
2 in domestic violence situations.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Notwithstanding § 25-10-40, if the police officer or sheriff believes that the domestic abuse
6 perpetrator has a severe mental illness that makes the person an imminent danger to self or
7 others, the officer or sheriff may initiate a mental illness hold under § 27A-10-3 and transport
8 the person to an appropriate regional facility as described in that section and in accordance with
9 the provisions set forth in title 27A. This section is not a substitution for an arrest under the
10 provisions of chapter 25-10, and the person shall be released only to the custody of law
11 enforcement or a law enforcement agency if the mental illness hold is released.

