



## 2020 South Dakota Legislature

# House Bill 1009

Introduced by: **Representatives** Haugaard and Healy and **Senators** Soholt and Sutton at the request of the Reduce the Overall Use of Acute Mental Health Hospitalizations Task Force

1 **An Act to revise provisions regarding failure to comply with outpatient commitment**  
 2 **or treatment orders.**

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

4 **Section 1.** That § 27A-10-9.6 be AMENDED:

5 **27A-10-9.6. Failure to comply with outpatient commitment or treatment**  
 6 **order--Supplemental hearing--Alternative disposition.**

7 If a person fails to comply with the requirement of the outpatient commitment or  
 8 treatment order, and the person's treating physician or the staff of the outpatient  
 9 treatment program believes that there is a significant risk of deterioration in the person's  
 10 condition, the program director or the treating physician may notify the ~~original petitioner~~  
 11 ~~for inpatient or chair of the county board of mental illness that issued the outpatient~~  
 12 ~~commitment or treatment order and, the chair of the board where the person is located,~~  
 13 ~~the office of the state's attorney's office attorney of the county where the patient person~~  
 14 ~~is found located, and the office of the state's attorney of the county where the person is~~  
 15 ~~subject to the outpatient commitment or treatment order,~~ and recommend an appropriate  
 16 alternate disposition under § 27A-11A-21 or 27A-11A-22.

17 Within seventy-two hours of receiving the ~~notice transmitted pursuant to~~  
 18 ~~notification under this section that a person has failed to comply with the requirements of~~  
 19 ~~the outpatient commitment or treatment order, the original petitioner for inpatient or~~  
 20 ~~outpatient commitment or, the state's attorney of the county where the patient is found~~  
 21 ~~or resides may file a petition with the board or the court for, or the chair of the board or~~  
 22 ~~the court may order, a supplemental hearing, or the chair of the board or the court may~~  
 23 proceed under any other section of this title. ~~If a petition for supplemental hearing is filed,~~  
 24 ~~the~~ The board or the court shall hold a supplemental the hearing in accordance with the  
 25 procedures specified in this title. The chair of the board or the court may order the  
 26 apprehension and transportation of the person to attend the hearing.