



2020 South Dakota Legislature

House Bill 1010

Introduced by: **Representatives** Johns, Haugaard, and Healy and **Senators** Kennedy 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 testimony of qualified mental health**
 2 **professionals at involuntary commitment hearings.**

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

4 **Section 1.** That § 27A-10-9 be AMENDED:

5 **27A-10-9. Testimony of qualified mental health professional--Availability**
 6 **and appropriateness of alternatives.**

7 The board of mental illness conducting the involuntary commitment hearing as
 8 provided in § 27A-10-8 shall order testimony by a qualified mental health professional
 9 independent of the petitioner, other than the professional who submitted the petition
 10 under § 27A-10-1 or initiated the hold under § 27A-10-19, who shall assess the availability
 11 and appropriateness of treatment alternatives, including treatment programs other than
 12 inpatient treatment and ~~specifically including~~ whether such programs are available at the
 13 mental health center serving the area in which the person was apprehended or resides.
 14 Such testimony shall include what alternatives are or should be made available, what
 15 alternatives were investigated, and why any investigated alternatives are not deemed
 16 appropriate.

17 If the board determines that alternatives to inpatient treatment are appropriate,
 18 commitment for inpatient treatment to the center or other inpatient psychiatric facility
 19 may not be ordered and commitment shall be to the least restrictive treatment alternative
 20 as required in subdivision 27A-10-9.1(3).