



2020 South Dakota Legislature

Senate Bill 5

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

1 **An Act to provide immunity for qualified mental health professionals at appropriate**
 2 **regional facilities.**

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

4 **Section 1.** That § 27A-10-23 be AMENDED:

5 **27A-10-23. Immunity from liability--Mobile crisis referral--Exception.**

6 Any law enforcement officer or authority, or any qualified mental health
 7 professional in a clinic ~~or~~, hospital, or appropriate regional facility, who in good faith
 8 transferred direct supervision of a person to a mobile crisis team or a crisis intervention
 9 team certified law enforcement officer, is immune from any civil liability for such referral.
 10 Any member of a mobile crisis team or a crisis intervention team certified law enforcement
 11 officer, whose actions, in the supervision, examination, or placement of a person in
 12 compliance with this section and §§ 27A-10-20 to 27A-10-22, inclusive, are taken in good
 13 faith, are immune from any civil liability for the referral, supervision, examination,
 14 transfer, or placement of the person. The immunity from civil liability under this section
 15 and §§ 27A-10-20 to 27A-10-22, inclusive, does not apply if injury results from gross
 16 negligence or willful or wanton misconduct. Any law enforcement officer or authority who
 17 acts in compliance with subsection 27A-10-21(2)(b) and § 34-20A-57 is not criminally or
 18 civilly liable for the officer's or authority's actions.