

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

537A0762

## SENATE BILL NO. 235

Introduced by: Senator Albers and Representatives Cutler and Jaspers

1 FOR AN ACT ENTITLED, An Act to revise the applicability of the physician/patient privilege  
2 to criminal actions.

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

4 Section 1. That § 19-2-3 be amended to read as follows:

5 19-2-3. In any action or proceeding or quasi-judicial administrative proceeding, whenever  
6 the physical or mental health of any person is in issue, any privilege under § 19-13-7 shall  
7 conclusively be deemed to be waived at trial or for the purpose of discovery under chapter 15-6  
8 if such action or proceeding is civil in nature; ~~and such privilege shall also conclusively be~~  
9 ~~deemed to be waived at trial or for any purpose provided by chapter 23A-12 or 23A-13 if such~~  
10 ~~action or proceeding is criminal in nature.~~

11 Section 2. That chapter 19-2 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 In any action or proceeding of a criminal nature, any privilege under § 19-13-7 shall  
14 conclusively be deemed to be waived at trial, grand jury proceeding, or preliminary hearing, or  
15 for the purpose of discovery under Title 23A.