

AN ACT

ENTITLED, An Act to revise certain provisions regarding the involuntary commitment of certain mentally ill persons.

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

Section 1. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read as follows:

If any person presents to a facility licensed by the state as a hospital, other than the Human Services Center, and after an examination by a qualified mental health professional it is determined that the person is severely mentally ill and in such condition that immediate intervention is necessary to protect the person from physical harm to self or others, the qualified mental health professional may initiate a twenty-four hour hold on the person and retain the person at the hospital for purposes of observation and emergency treatment. The hospital or the qualified mental health professional shall notify the chair of the county board of mental illness of the twenty-four hour hold. The qualified mental health professional shall petition for commitment of the person according to §§ 27A-10-1 and 27A-10-4. The person shall be afforded rights according to § 27A-10-5. If a petition for emergency commitment pursuant to § 27A-10-1 is not filed within twenty-four hours, the person shall be released.

Section 2. That § 27A-15-31 be amended to read as follows:

27A-15-31. After examination of a petition filed pursuant to § 27A-15-30, the chair of the county board may order the apprehension and transportation of a minor who meets the criteria in § 27A-15-30, for involuntary commitment to an appropriate regional facility other than the center. A jail may not be used for the custody of a minor. However, a juvenile detention facility may be used for pre-hearing custody if the availability of other appropriate regional facilities has been explored and exhausted. If an appropriate regional facility maintains a separate unit for minors, a minor may not be confined with adult detainees or patients. A minor may not be confined in an appropriate regional

facility that does not maintain a separate unit for minors until the availability of other appropriate regional facilities maintaining a separate unit for minors has been explored and exhausted. If a minor must be placed in a facility that does not have a separate unit for minors, the minor shall be provided separate sleeping quarters and, to the maximum extent possible, separate day areas. Adequate supervision shall be provided. Effective January 1, 1993, appropriate regional facilities shall have a separate unit on which minors may be confined.

An Act revise certain provisions regarding the involuntary commitment of certain mentally ill persons.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1130

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1130
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State