

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

714Y0001

HOUSE BILL NO. **1100**

Introduced by: Representatives Johns, Bartling, Haugaard, Hawley, Heinemann, Holmes, Hunhoff, Lust, Otten (Herman), Ring, Rounds, Smith, Steinhauer, and Turbiville and Senators Solano, Cronin, Greenfield (Brock), Haverly, Maher, Novstrup, Peters, Rusch, and White

1 FOR AN ACT ENTITLED, An Act to allow law enforcement to initiate a mental illness hold
2 in domestic violence situations.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Notwithstanding § 25-10-40, if the police officer or sheriff believes that the domestic
6 violence perpetrator has a severe mental illness that makes the person an imminent danger to
7 self or others, the officer or sheriff may initiate a mental illness hold under § 27A-10-3 and
8 transport the person to an appropriate regional facility as described in that section and in
9 accordance with the provisions set forth in title 27A. This section is not a substitution for an
10 arrest under the provisions of chapter 25-10, and the person shall be released only to the custody
11 of law enforcement or a law enforcement agency if the mental illness hold is released.

