

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

200B0166

HOUSE BILL NO. 1047

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding recommendations for
2 treatment as a condition for probation.

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

4 Section 1. That § 23A-27-40 be amended to read:

5 23A-27-40. If a defendant is found "guilty but mentally ill" under § 23A-26-14 and is placed
6 on probation, the sentencing court, upon recommendation of a licensed psychiatrist or a licensed
7 psychologist, shall make treatment a condition of probation. ~~Reports as specified~~ Any report
8 required by the sentencing court shall be filed with the court service department and the
9 sentencing court. The defendant's failure to continue treatment, except by agreement with the
10 treating agency and the sentencing court, is basis for commencing a probation revocation
11 hearing and grounds for probation revocation.

