

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

200B0166

## HOUSE JUDICIARY ENGROSSED NO. **HB 1047** - 1/23/2019

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" and is placed on probation, the  
6 sentencing court, upon recommendation of a licensed psychiatrist or a licensed psychologist,  
7 shall make treatment a condition of probation. ~~Reports as specified~~ Any report required by the  
8 sentencing court shall be filed with the court service department and the sentencing court. The  
9 defendant's failure to continue treatment, except by agreement with the treating agency and the  
10 sentencing court, is basis for commencing a probation revocation hearing and grounds for  
11 probation revocation.

