

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

717M0562

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1109** - 01/27/2006

Introduced by: Representatives Miles, Cutler, Murschel, and Weems and Senators Bartling, Abdallah, Dempster, and Knudson

1 FOR AN ACT ENTITLED, An Act to provide civil immunity to qualified mental health  
2 professionals designated by the chairs of the county board of mental illness.

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

4 Section 1. That chapter 27A-7 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person serving as the qualified mental health professional as designated by the chair of  
7 the county board of mental illness, whose examinations and testimony under Title 27A are  
8 conducted in good faith, is immune from any civil liability for such examinations and testimony.  
9 The immunity from civil liability under this section does not apply if injury results from gross  
10 negligence or willful or wanton misconduct.

