



2024 South Dakota Legislature
House Bill 1085
ENROLLED

AN ACT

ENTITLED An Act to specify the venue of appeal to circuit court for persons committed to a mental health facility.

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

Section 1. That § 1-26-31.1 be AMENDED:

1-26-31.1. The venue of the appeal is as follows:

- (1) If the appellant is a resident of this state, to the circuit court for the county of the appellant's residence or to the circuit court for Hughes County, as the appellant may elect;
- (2) If the appellant is a nonresident or a foreign corporation, to the circuit court for the county of appellant's principal place of business in South Dakota or to the circuit court for Hughes County, as the appellant may elect;
- (3) If the appellant is committed to a mental health facility, to the circuit court for the county in which the mental health facility is located;
- (4) The parties may stipulate for venue in any county in the state, and the circuit court for that county shall hear the appeal; and
- (5) For an appeal from a final decision, ruling, or action rendered by an administrative appeals process adopted by a home-rule municipality, the appellant must appeal to the circuit court in which the home-rule municipality is located.

Appeals from a single administrative action may not proceed in more than one county. If multiple appeals of a single action are filed in more than one county, the appeals must be consolidated and heard in the county in which the appeal is first filed. If more than one appeal is first filed on the same date and a stipulation among the parties as to venue cannot be reached, the venue of the appeal is in the circuit court for Hughes County.

An Act to specify the venue of appeal to circuit court for persons committed to a mental health facility.

I certify that the attached Act originated in
the:
House as Bill No. 1085

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1085
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State