



2024 South Dakota Legislature

House Bill 1085

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

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

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

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

5 **1-26-31.1.** The venue of the appeal is as follows:

6 (1) If the appellant is a resident of this state, to the circuit court for the county of the
 7 appellant's residence or to the circuit court for Hughes County, as the appellant
 8 may elect;

9 (2) If the appellant is a nonresident or a foreign corporation, to the circuit court for
 10 the county of appellant's principal place of business in South Dakota or to the circuit
 11 court for Hughes County, as the appellant may elect;

12 (3) If the appellant is committed to a mental health facility, to the circuit court for the
 13 county in which the mental health facility is located;

14 ~~(3)(4)~~ The parties may stipulate for venue in any county in the state, and the circuit court
 15 for ~~such that~~ county shall ~~thereupon~~ hear the appeal; and

16 ~~(4)~~ An (5) For an appeal from a final decision, ruling, or action rendered by an
 17 administrative appeals process adopted by a home-rule municipality shall be
 18 appealed, the appellant must appeal to the circuit court in which the home-rule
 19 municipality is located.

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