

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE ADOPTION OF )                    RULE 19-13  
A RULE CONCERNING THE ADMISSIBILITY )  
OF STATEMENTS MADE DURING A JAIL )  
MENTAL HEALTH SCREEN TO BE )  
DESIGNATED AT SDCL CH. 24-11 )

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A hearing was held on February 20, 2019, at Pierre, South Dakota, relating to the adoption of a rule concerning the admissibility of statements made during a jail mental health screen to be designated at SDCL Ch. 24-11 and the Court having considered the proposed adoption and being fully advised in the premises, now, therefore, it is

ORDERED that the proposed adoption of a rule concerning the admissibility of statements made during a jail mental health screen to be designated at SDCL Ch. 24-11 be and it is hereby adopted to read in its entirety as follows:

**The admissibility of statements made during a jail mental health screen to Be Designated at SDCL Ch. 24-11.**

Any statement made by a defendant in response to a question administered during a jail mental or physical health screening is not admissible against the defendant in the state's case in chief during any evidentiary proceeding related to the reason the defendant was confined in jail.

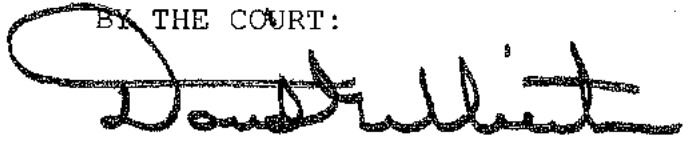
The screen shall be filed with the committing court and may be used in preparation of a presentence report and at sentencing. Prior to sentencing, the screen shall only be made available to the defendant, defendant's attorney, prosecuting attorney, court services, and any mental health provider ordered to provide an assessment of the defendant as a condition of bond.

Rule 19-13

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 2nd day of April, 2019.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:

  
Clerk of the Supreme Court  
(SEAL)

STATE OF SOUTH DAKOTA  
In the Supreme Court  
I, Shirley A. Jameson-Fargal, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this  
2nd day of April, 2019  
\_\_\_\_\_  
Clerk of Supreme Court  
Deputy

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

APR - 2 2019

  
Clerk