

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

938B0221

## HOUSE ENGROSSED NO. **HB 1110** - 2/5/2019

Introduced by: Representatives Goodwin, Beal, Brunner, Duba, Livermont, Marty, and Zikmund and Senators Russell, DiSanto, and Nelson

1 FOR AN ACT ENTITLED, An Act to establish a penalty for certain persons who fail to file a  
2 birth certificate or who fail to provide the notice required for the filing of a death certificate.

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

4 Section 1. That § 34-25-9.1 be amended to read:

5 34-25-9.1. If a birth occurs outside an institution, the certificate shall be prepared and filed  
6 by one of the following in the indicated order of priority:

7 (1) The physician in attendance at or immediately after the birth, or in the absence of  
8 such a person;

9 (2) Any other person in attendance at or immediately after the birth, or in the absence of  
10 such a person;

11 (3) The father or mother, or, in the absence of the father and the inability of the mother,  
12 the person in charge of the premises where the birth occurred.

13 The department shall promulgate rules, pursuant to chapter 1-26, to establish the evidence  
14 necessary to establish the facts of birth.

15 Any person required to prepare and file a birth certificate pursuant to this section who fails



1 to do so within one year of the birth is guilty of a Class 2 misdemeanor.

2 Section 2. That § 34-25-21 be amended to read:

3 34-25-21. If a death occurs without the attendance of a licensed physician, physician  
4 assistant, or certified nurse practitioner, the person in charge of the body shall notify the county  
5 coroner and sheriff of ~~such~~ the death. Upon notification, the county coroner shall complete the  
6 medical certificate from the statement of relatives or other persons having adequate knowledge  
7 of the facts. The coroner, or deputy coroner in the absence of the coroner, shall complete, sign,  
8 and file the medical certificate with the department within five days of the date of death, unless  
9 an autopsy or investigation is pending, in which case the pending autopsy or investigation shall  
10 be noted on the medical certificate. In the absence of a coroner or deputy coroner, or if the  
11 coroner is unable to act, and only in such case, the local registrar shall prepare the medical  
12 certificate from the statement of relatives or other person having knowledge of the facts.

13 Unless good cause is shown, a person in charge of a body who fails to notify the county  
14 coroner and sheriff of the death no later than forty-eight hours following the death is guilty of  
15 a Class 2 misdemeanor.