



2021 South Dakota Legislature

House Bill 1070

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

1 **An Act to revise certain provisions regarding the Unified Judicial System.**

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

3 **Section 1.** That § 15-12-20 be AMENDED.

4 **15-12-20. Definition of terms.**

5 Terms, as used in §§ 15-12-20 to 15-12-37, inclusive, unless the context otherwise
6 requires, mean:

- 7 (1) "Action," any action or special proceeding in the trial court, whether civil or criminal
8 or quasi-criminal;
- 9 (2) "Canon" or "Canons," the canons set forth in the South Dakota Code of Judicial
10 Conduct appearing as an appendix to chapter 16-2;
- 11 (3) "Judge," a judge of the circuit court or a retired justice or judge acting pursuant to
12 appointment by the Chief Justice;
- 13 (4) "Magistrate," both magistrate judges and nonlaw-trained magistrates as defined by
14 ~~§ 16-12A-1~~ § 16-12A-1.1; and
- 15 (5) "Party," any party within the meaning of the rules of civil or criminal procedure and
16 the statutes of this state.

17 **Section 2.** That § 16-2-21 be AMENDED.

18 **16-2-21. Presiding judges--Appointment--Administrative powers and**
19 **duties--Court held in each county.**

20 The presiding judge in each judicial circuit, to be appointed by the Chief Justice,
21 subject to the rules of the Supreme Court, has administrative supervision and authority
22 over the operation of the circuit courts, the courts of limited jurisdiction, and clerks and
23 other court personnel in the circuit. These powers and duties include, ~~but are not limited~~
24 ~~to,~~ the following:

- 25 (1) Arranging schedules and assigning circuit judges for sessions of circuit courts;

- 1 (2) Arranging or supervising the calendaring of matters for trial or hearing;
- 2 (3) Appointing clerks, deputies and other personnel within the circuit to make available
 3 their services in every county in the circuit ~~and, subject to standards established by~~
 4 ~~the Supreme Court, fixing their compensation within the limits set by § 16-2-23~~
 5 ~~with approval of the Chief Justice,~~ and supervising the personnel in the discharge
 6 of their functions;
- 7 (4) Assigning matters and duties to clerks, and prescribing times and places at which
 8 clerks shall be available for the performance of their duties;
- 9 (5) Making arrangements with proper authorities for the drawing of jury panels and
 10 determining which sessions shall ~~must~~ be jury sessions;
- 11 (6) Arranging for the reporting of cases by court reporters or other authorized means;
- 12 (7) Arranging for the orderly disposition of specialized matters, including, ~~but not~~
 13 ~~limited to~~ traffic, domestic relations, and proceedings under chapters 26-7A, 26-
 14 8A, 26-8B, and 26-8C;
- 15 (8) Promulgating a schedule of offenses for which magistrates or other designated
 16 persons may accept written appearances, waivers of trial, and pleas of guilty, and
 17 establishing a schedule of fines and bails therefor;
- 18 (9) Assigning to other circuit judges in the circuit various powers and duties in this
 19 chapter provided;
- 20 (10) Periodically reviewing the performance and application by magistrates, clerks and
 21 deputy clerks of schedules they are to follow, and correcting, with or without the
 22 request of the person affected, erroneous application thereof.

23 The presiding judge shall arrange that a circuit judge is available to hold court in the
 24 county seat of each county in the circuit as necessary to distribute the work of the courts,
 25 alleviate congestion, and secure the prompt disposition of cases for each county.

26 **Section 3.** That § 26-9-3 be AMENDED.

27 **26-9-3. Original jurisdiction of prosecutions.**

28 Subject to ~~§ 16-12A-22~~ § 16-12B-11, the circuit court in all counties shall have
 29 original jurisdiction of all prosecutions under this chapter.

30 **Section 4.** That § 23A-19-3 be AMENDED.

1 **23A-19-3. Grounds for challenge to panel--Bias of officer summoning**
2 **additional jurors.**

3 A challenge to a panel ~~can be based~~ may only be based on a material departure
4 from the procedure prescribed by law for the drawing and return of the jury, or on the
5 intentional omission of the board of jury selectors or sheriff to summon one or more of
6 the jurors drawn. However, if the panel is composed of any persons who were summoned
7 to serve as jurors pursuant to § 16-13-42, a challenge may be taken to the panel based
8 upon the alleged bias of the officer who summoned them if such bias would be sufficient
9 grounds for a challenge to an individual juror under ~~§ 23A-20-12~~ § 23A-20-13.1. Such
10 challenge must be determined in the same manner as if made to an individual juror for
11 bias.

12 **Section 5.** That § 60-11-24 be AMENDED.

13 **60-11-24. Action removed by defendant--Plaintiff's costs and attorney fees.**

14 In any action for wages brought in small claims court which is removed to
15 magistrate court or circuit court under ~~§ 15-39-59~~ § 15-39-57, the court may, in addition
16 to awarding judgment to the plaintiff, allow costs of the action, including reasonable
17 attorney fees, to be paid by the defendant.