



2021 South Dakota Legislature  
**House Bill 1070**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

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

The presiding judge in each judicial circuit, to be appointed by the Chief Justice, subject to the rules of the Supreme Court, has administrative supervision and authority over the operation of the circuit courts, the courts of limited jurisdiction, and clerks and other court personnel in the circuit. These powers and duties include the following:

- (1) Arranging schedules and assigning circuit judges for sessions of circuit courts;
- (2) Arranging or supervising the calendaring of matters for trial or hearing;

- (3) Appointing clerks, deputies and other personnel within the circuit to make available their services in every county in the circuit and supervising the personnel in the discharge of their functions;
- (4) Assigning matters and duties to clerks, and prescribing times and places at which clerks shall be available for the performance of their duties;
- (5) Making arrangements with proper authorities for the drawing of jury panels and determining which sessions must be jury sessions;
- (6) Arranging for the reporting of cases by court reporters or other authorized means;
- (7) Arranging for the orderly disposition of specialized matters, including traffic, domestic relations, and proceedings under chapters 26-7A, 26-8A, 26-8B, and 26-8C;
- (8) Promulgating a schedule of offenses for which magistrates or other designated persons may accept written appearances, waivers of trial, and pleas of guilty, and establishing a schedule of fines and bails therefor;
- (9) Assigning to other circuit judges in the circuit various powers and duties in this chapter provided;
- (10) Periodically reviewing the performance and application by magistrates, clerks and deputy clerks of schedules they are to follow, and correcting, with or without the request of the person affected, erroneous application thereof.

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

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

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

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

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

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

A challenge to a panel may only be based on a material departure from the procedure prescribed by law for the drawing and return of the jury, or on the intentional omission of the board of jury selectors or sheriff to summon one or more of the jurors drawn. However, if the panel is composed of any persons who were summoned to serve

as jurors pursuant to § 16-13-42, a challenge may be taken to the panel based upon the alleged bias of the officer who summoned them if such bias would be sufficient grounds for a challenge to an individual juror under § 23A-20-13.1. Such challenge must be determined in the same manner as if made to an individual juror for bias.

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

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

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

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

I certify that the attached Act originated in the:  
House as Bill No. 1070

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_ for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2021 at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1070  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State