

# State of South Dakota

## EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

921V0174

### HOUSE BILL NO. 1063

Introduced by: Representatives Feinstein, Bartling, Gibson, Gosch, Hunhoff (Bernie), Johns, Lust, Parsley, and Stevens and Senators Vehle, Frerichs, Lederman, Maher, Rave, and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to jury selection.

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

3 Section 1. That § 16-13-2.1 be repealed.

4 ~~16-13-2.1. For the purposes of this chapter, the board of jury selectors shall be the clerk of~~  
5 ~~the circuit court, the chairman of the board of county commissioners, and the county auditor,~~  
6 ~~or if there be no person holding any one or more of such offices in the county, the presiding~~  
7 ~~circuit judge shall designate a person to fill the vacancy. If a jury district is utilized, the board~~  
8 ~~of jury selectors from each county need not be present during the preparation of the district~~  
9 ~~master jury list. The presiding judge shall compile that list from each county's master jury list.~~

10 Section 2. That § 16-13-4.1 be amended to read as follows:

11 16-13-4.1. For the purposes of this chapter, the jury selection list shall be prepared using  
12 electronic means by the state court administrator's office and shall consist of the current voter  
13 registration list obtained from the secretary of state, supplemented by the list of persons eighteen  
14 years of age and over holding a valid ~~driver's~~ driver license. The state court administrator's



1 office shall annually merge these lists, and purge duplicate listings, to create an accurate jury  
2 selection list for preparing the master juror list in each county. ~~The county auditor may request~~  
3 state court administrator's office may specify that the supplemental ~~driver's~~ driver license list  
4 be compiled from a list of those drivers within the county who have renewed, updated, or  
5 applied for a ~~driver's~~ driver license in the last two years. The jury selection list may not be  
6 distributed, sold, or duplicated for any other purpose.

7 Section 3. That § 16-13-9.2 be amended to read as follows:

8 16-13-9.2. ~~Using a random number,~~ The state court administrator's office shall choose, at  
9 random, a number not less than one nor more than the total number of jurors to be placed on the  
10 master jury list. Using that random number, the state court administrator's office shall select  
11 from the jury selection list for each county the name corresponding to that random number in  
12 sequence. This process shall continue until the number of names provided for pursuant to § 16-  
13 13-2 is selected. The processes specified in this section may be performed electronically.

14 Section 4. That § 16-13-13 be amended to read as follows:

15 16-13-13. Promptly upon ~~receipt~~ completion of the master juror list ~~from the state court~~  
16 ~~administrator's office,~~ and in any event before October first in each year, the ~~board of jury~~  
17 ~~selectors~~ clerk of courts shall sign and file the list ~~and shall file it with the clerk of courts.~~ The  
18 list shall be kept on file for four years. The clerk of courts shall then prepare separate tickets for  
19 each person named in the master juror list ~~furnished by the board of jury selectors,~~ unless a  
20 name is stricken pursuant to § 16-13-15. This process may be performed electronically.

21 Section 5. That § 16-13-15 be amended to read as follows:

22 16-13-15. The ~~board of jury selectors~~ clerk of courts and county auditor shall ascertain  
23 whether each of the persons on the master juror list has the qualifications of a juror as provided  
24 by § 16-13-10 from the information available ~~to the board~~ from records of the county or other

1 readily available sources, or has served as a juror within two years. A person has served as a  
2 juror if that person has been summoned and appeared for a trial. If, ~~from examination of the~~  
3 ~~master juror lists~~ at any time, it appears that any person listed ~~thereon~~ does not have the  
4 qualifications to serve as a juror or has served as a juror within two preceding years, the ~~board~~  
5 ~~of jury selectors~~ clerk of courts shall strike ~~such the~~ name from the list and draw another in its  
6 place if necessary. The ~~board~~ clerk of courts shall adjust the number to be drawn to allow for  
7 the elimination of the names of those disqualified.

8 The ~~board of jury selectors~~ clerk of courts shall record with the list of jurors the reasons for  
9 disqualification of any person stricken from the master jury list.