



2026 South Dakota Legislature

House Bill 1234

Introduced by: **Representative Roby**

1 **An Act to revise procedural requirements for serving a subpoena in a contested case.**

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

3 **Section 1. That a NEW SECTION be added to chapter 1-26:**

4 Before a subpoena commanding the production of documentary evidence pursuant
5 to § 1-26-19.1 is served on the person to whom it is directed, a notice and copy of the
6 subpoena must be served on each party to the matter pending. The hearing examiner or
7 administrative law judge, upon motion made promptly and at or before the time specified
8 in the subpoena for compliance with the subpoena, may:

9 (1) Quash or modify the subpoena if it is unreasonable and oppressive; or

10 (2) Condition denial of the motion upon the advancement, by the person on whose
11 behalf the subpoena is issued, of the reasonable cost of producing the records,
12 books, papers, or documents.