

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

184Y0420

## SENATE BILL NO. 90

Introduced by: Senator Rusch and Representative Stevens

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions related to certain prior  
2 statements of a witness subject to discovery and to establish the rationale and effect of the  
3 repeal.

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

5 Section 1. That § 23A-13-10 be repealed.

6 ~~—23A-13-10. The term "statement," as used in §§ 23A-13-7 to 23A-13-9, inclusive, in relation~~  
7 ~~to any witness called by the prosecuting attorney, means:~~

8 ~~—(1)— A written statement made by such witness and signed or otherwise adopted or~~  
9 ~~approved by him;~~

10 ~~—(2)— A stenographic, mechanical, electrical, or other recording, or a transcription thereof,~~  
11 ~~which is a substantially verbatim recital of an oral statement made by such witness~~  
12 ~~and recorded contemporaneously with the making of such oral statement;~~

13 ~~—(3)— A statement, however taken or recorded, or a transcription thereof, if any, made by~~  
14 ~~such witness to a grand jury;~~

15 ~~—(4)— A summary of an oral declaration made by someone other than the witness that has~~



1           ~~been reduced to writing.~~

2           Section 2. That the code be amended by adding a NEW SECTION to read:

3           The provisions of this Act are in accordance with the Supreme Court's adoption of a new  
4 rule substantially similar to Federal Rule of Criminal Procedure 26.2(f) relating to producing  
5 a statement of a witness subject to discovery, effective January 1, 2018.