

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

823Q0427

## HOUSE BILL NO. 1101

Introduced by: Representatives Gosch, Bolin, Boomgarden, Deadrick, Greenfield, Jensen, Kirkeby, Kopp, Lederman, Olson (Ryan), Romkema, Solum, Verchio, and Wink and Senators Abdallah, Ahlers, Brown, Gant, Maher, and Schmidt

1 FOR AN ACT ENTITLED, An Act to allow affidavits for change of judge in habeas corpus  
2 actions.

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

4 Section 1. That § 15-12-21 be amended to read as follows:

5 15-12-21. ~~Except where~~ Unless the right is waived or is denied by this chapter, an affidavit  
6 for change of a judge or magistrate may be filed in any action pending in the court whether  
7 originating therein or pending upon appeal from an inferior court or tribunal to the circuit court.  
8 No affidavit for such change may be filed in a criminal action prior to the completion of the  
9 preliminary hearing or waiver thereof; or in any proceeding for contempt committed in the  
10 presence of the court, ~~or habeas corpus~~.

