

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

664A0177

## SENATE BILL NO. 90

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to provide for jury districts.

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

3 Section 1. That chapter 16-13 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 If any county within a circuit has a population of less than five thousand, the presiding circuit  
6 court judge shall create a jury district by joining that county with one or more other counties  
7 within the circuit until the total population of the counties exceeds ten thousand. Each county  
8 within a jury district is entitled to pro rata representation upon the master jury list to be  
9 computed by the presiding judge upon the basis of the last official census.

10 Section 2. That § 16-13-2.1 be amended to read as follows:

11 16-13-2.1. For the purposes of this chapter, the board of jury selectors shall be the clerk of  
12 the circuit court, the chairman of the board of county commissioners, and the county auditor, or  
13 if there be no person holding any one or more of such offices in the county, the presiding circuit  
14 judge shall designate a person to fill the vacancy. If a jury district has been formed, the clerk of  
15 the circuit court, the chairman of the board of county commissioners, and the county auditor  
16 from each county within the jury district constitutes the board of jury selectors.

1 Section 3. That § 16-13-10 be amended to read as follows:

2 16-13-10. All citizens of this state, who are residents of the county or jury district where the  
3 jury is selected, eighteen years of age or older prior to January first of the year of jury service,  
4 of sound mind and who are able to read, write, and understand the English language, are eligible  
5 to serve as jurors. Justices or clerks of the Supreme Court or a judge of the circuit court or any  
6 court of the United States, or a court of limited jurisdiction, or licensed attorneys are not eligible  
7 to serve as jurors. Clergymen as defined in § 19-13-16 if jury service conflicts with their religious  
8 beliefs may be exempt from jury duty. Persons who have been convicted of a felony unless  
9 restored to their civil rights are not eligible to serve as jurors. Potential jurors may not be  
10 excluded from jury duty on the basis of a visual or hearing impairment.

11 Section 4. That § 16-13-15 be amended to read as follows:

12 16-13-15. The board of jury selectors shall ascertain whether each of the persons on the  
13 master juror list has the qualifications of a juror as provided by § 16-13-10 from the information  
14 available to them from records of the county or other readily available sources, or has served as  
15 a juror within ~~four~~ two years. A person has served as a juror if ~~he~~ that person has been  
16 summoned and appeared for a trial. If, from examination of the master juror lists, it appears that  
17 any person listed thereon does not have the qualifications to serve as a juror; or has served as a  
18 juror within ~~four~~ two preceding years, the board of jury selectors shall strike such name from the  
19 list and draw another in its place. ~~However, in counties of less than five thousand population, the~~  
20 ~~applicable time period shall be two years rather than four years.~~ If the master list is selected  
21 electronically, the board shall adjust the number to be drawn to allow for the elimination of the  
22 names of those disqualified.

23 The clerk of any magistrate court having a separate clerk shall furnish the clerk of the circuit  
24 court with a list of the names and addresses of all persons who have served as jurors for the  
25 calendar year when requested by the clerk of the circuit court, who shall preserve the lists for

1 ~~four~~ two years.

2 The board of jury selectors shall record with the list of jurors the reasons for disqualification  
3 of any person stricken from the master jury list.

4 Section 5. That § 16-13-18.3 be amended to read as follows:

5 16-13-18.3. The presiding judge of each circuit shall ~~have under his charge and control the~~  
6 ~~enforcement of~~ administer and enforce the jury selection provisions of this chapter. Such judge  
7 may vary the terms of the random selection process to meet local conditions in any county or  
8 jury district in ~~his~~ the circuit if such changes are ~~generally~~ consistent with the terms of this  
9 chapter. Such changes ~~must~~ shall be reduced to writing, approved by the Supreme Court  
10 pursuant to § 16-13-18.2 and filed with the clerk of the court in ~~the~~ any county affected by the  
11 changes with the other materials required to be preserved by § 16-13-31.1.

12 Section 6. That § 16-13-22 be amended to read as follows:

13 16-13-22. The presiding judge of each circuit, or a judge of the circuit court designated by  
14 ~~him~~ the presiding judge, shall issue an order prior to October first of each year to the clerk of  
15 courts that a petit jury for the county or jury district be selected. The order shall specify the total  
16 number of jurors to be selected, the number of panels or sections of the panels into which the  
17 number of jurors are to be arranged, and the period of time of service during the year for each  
18 panel or section. The names shall be selected for each panel or section by lot as provided in  
19 § 16-13-27.