

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0866

## SENATE BILL NO. 246

Introduced by: The Committee on Judiciary at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the service of a  
2 summons.

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

4 Section 1. That § 15-6-4(c) be amended to read as follows:

5 15-6-4(c). The summons may be served by the sheriff or a constable of the county or other  
6 comparable political subdivision where the defendant may be found, or in the District of  
7 Columbia by the United States marshal or a deputy, or by any other person not a party to the  
8 action ~~who at the time of making such service is an elector of the state in which such service is~~  
9 ~~to be made.~~ If the defendant to be served is an Indian residing in Indian country, the summons  
10 may be served by a person not a party to the action. The service shall be made and the summons  
11 returned with proof of the service, with all reasonable diligence, to the plaintiff's attorney, if any,  
12 otherwise to the plaintiff. The plaintiff or the plaintiff's attorney may by endorsement on the  
13 summons fix a time for the service thereof, and the service shall be made accordingly.