

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0866

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB246** - 2/4/99

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~~ any state in which such service
9 ~~is 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 who at the time of making such service is an
11 elector of any state. The service shall be made and the summons returned with proof of the
12 service, with all reasonable diligence, to the plaintiff's attorney, if any, otherwise to the plaintiff.
13 The plaintiff or the plaintiff's attorney may by endorsement on the summons fix a time for the
14 service thereof, and the service shall be made accordingly.

1 **BILL HISTORY**

2 2/1/99 First read in Senate and referred to Judiciary. S.J. 280

3 2/3/99 Scheduled for Committee hearing on this date.

4 2/3/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 315

5 2/3/99 Judiciary Place on Consent Calendar.