

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

184Y0420

HOUSE JUDICIARY ENGROSSED NO. **SB 90** - 2/27/2017

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 That § 23A-13-10 be repealed.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 repeal of § 23A-13-10 is subject to the Supreme Court's adoption of a new rule
4 substantially similar to Federal Rule of Criminal Procedure 26.2(f) relating to producing a
5 statement of a witness subject to discovery, effective January 1, 2018.