

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

754T0595

## SENATE BILL NO. 76

Introduced by: Senators Olson (Russell), Brown, Frerichs, Johnston, Maher, Novstrup (Al), Peters, and Rhoden and Representatives Kirkeby, Abdallah, Boomgarden, Cronin, Deelstra, Dryden, Gibson, Kloucek, Munsterman, Nelson (Stace), Olson (Betty), Rausch, Sigdestad, Turbiville, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the retirement of  
2 justices and judges.

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

4 Section 1. That § 16-1-4.1 be amended to read as follows:

5 16-1-4.1. A justice of the Supreme Court who reaches the age of seventy years before the  
6 expiration of the term of office to which the justice was appointed or elected may serve out that  
7 term. Such justice is automatically retired on the first Tuesday after the first Monday of January  
8 ~~next after the general election at which members of the Legislature are elected immediately~~  
9 ~~following the attainment of age seventy~~ following the expiration of the term of such justice.  
10 Such justice shall conclude all matters pending before him or her unless the Supreme Court  
11 makes other provisions for the disposition of such matters. However, such judge is  
12 thenceforward ineligible to be appointed or elected to another term as either justice of the  
13 Supreme Court or judge of the circuit court.

14 Section 2. That § 16-6-31 be amended to read as follows:



1       16-6-31. A judge of a circuit court who reaches the age of seventy years before the  
2 expiration of the term of office to which the judge was appointed or elected may serve out that  
3 term. Such judge is automatically retired on the first Tuesday after the first Monday of January  
4 ~~next after the general election at which members of the Legislature are elected immediately~~  
5 ~~following the attainment of age seventy~~ following the expiration of the term of such judge. Such  
6 judge shall conclude all matters pending before him or her unless the Supreme Court makes  
7 other provisions for the disposition of such matters. However, such judge is thenceforward  
8 ineligible to be appointed or elected to another term as either justice of the Supreme Court or  
9 judge of the circuit court.