

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

754T0595

SENATE JUDICIARY ENGROSSED NO. **SB 76** 1/31/2012

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 is automatically retired on the first Tuesday after
6 the first Monday of January next after the general election at which members of the Legislature
7 are elected immediately following the attainment of age seventy of such justice. Such justice
8 shall conclude all matters pending before him or her unless the Supreme Court makes other
9 provisions for the disposition of such matters. Moreover, the Chief Justice of the Supreme Court
10 may, from year to year, permit such justice to continue to serve, after attaining retirement age,
11 for all or any portion of the unexpired term.

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

13 16-6-31. A judge of a circuit court is automatically retired on the first Tuesday after the first



1 Monday of January next after the general election at which members of the Legislature are
2 elected immediately following the attainment of age seventy of such judge. Such judge shall
3 conclude all matters pending before him or her unless the Supreme Court makes other
4 provisions for the disposition of such matters. Moreover, the Chief Justice of the Supreme Court
5 may, from year to year, permit such judge to continue to serve, after attaining retirement age,
6 for all or any portion of the unexpired term.