

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

367A0537

## HOUSE BILL NO. 1068

Introduced by: Representatives Napoli, Belatti, Cutler, DeMersseman, Gabriel, Hagg, Koskan, McNenny, Pederson (Gordon), Pummel, and Schaunaman and Senators Aker, Drake, Hunhoff, Lawler, Morford-Burg, Thompson, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide for six-person juries in small claims actions.

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

3 Section 1. That § 15-14-27 be amended to read as follows:

4 15-14-27. ~~In all civil actions cognizable by a magistrate judge, except actions for the forcible~~  
5 ~~entry and detainer, or detainer only, of real property, tried in the circuit court, the verdict may~~  
6 ~~be rendered by five-sixths~~ In any small claims action, pursuant to chapter 15-39, the jury shall  
7 consist of six persons. Unless otherwise agreed to by the parties, the jury's verdict or findings  
8 shall be rendered by five-sixths of the jury in the manner provided in §§ 15-14-28 and 15-14-29.

9 Section 2. That § 15-14-28 be amended to read as follows:

10 15-14-28. In the actions ~~mentioned~~ provided for in § 15-14-27, when the jury have agreed  
11 upon their verdict, they ~~must~~ shall be conducted into court, their names shall be called by the  
12 clerk and the verdict shall be rendered by their foreman. The verdict ~~must~~ shall be in writing  
13 signed by the foreman and ~~must~~ shall be read by the clerk to the jury and the inquiry made  
14 whether it is their verdict. If ~~four~~ two or more of the jury disagree, they ~~must~~ shall be sent out  
15 again. If ~~nine~~ five of the jury agree to the verdict, it shall be the verdict of the jury and so

1 recorded.

2 Section 3. That § 15-14-29 be amended to read as follows:

3 15-14-29. If neither party in an action ~~mentioned~~ provided for in § 15-14-27 requires the jury  
4 to be polled, the verdict is complete and the jury shall be discharged from the case. Either party  
5 may require the jury to be polled, which ~~is~~ shall be done by the court or clerk asking each juror  
6 if it is his or her verdict. If more than ~~three answer~~ one answers in the negative, the jury ~~must~~  
7 shall be sent out.