

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

367A0537

SENATE JUDICIARY COMMITTEE ENGROSSED

NO. **HB1068** - 2/19/97

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 The Unified Judicial System is authorized to execute a pilot program implementing the provisions

10 of this Act in one judicial circuit of the state beginning on July 1, 1997, and to continue for a

11 period of one year to determine the practicability and feasibility of providing the right to a jury

12 trial in small claims actions. The Unified Judicial System shall prepare an impact analysis of the

13 effects of this Act on the judicial system to be available during the 1998 legislative session. The

14 provisions of this Act are repealed on July 1, 1998, unless reauthorized by the Legislature.

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

2 15-14-28. In the actions ~~mentioned~~ provided for in § 15-14-27, when the jury ~~have~~ has
3 agreed upon their verdict, they ~~must~~ shall be conducted into court, their names shall be called
4 by the clerk and the verdict shall be rendered by their foreman. The verdict ~~must~~ shall be in
5 writing signed by the foreman and ~~must~~ shall be read by the clerk to the jury and the inquiry
6 made whether it is their verdict. If ~~four~~ two or more of the jury disagree, they ~~must~~ shall be sent
7 out again. If ~~nine~~ five of the jury agree to the verdict, it shall be the verdict of the jury and so
8 recorded.

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

10 15-14-29. If neither party in an action ~~mentioned~~ provided for in § 15-14-27 requires the jury
11 to be polled, the verdict is complete and the jury shall be discharged from the case. Either party
12 may require the jury to be polled, which is shall be done by the court or clerk asking each juror
13 if it is his or her verdict. If more than ~~three answer~~ one answers in the negative, the jury ~~must~~
14 shall be sent out.

1 **BILL HISTORY**

2 1/23/97 First read in House and referred to Judiciary. H.J. 92

3 1/24/97 Scheduled for Committee hearing on this date.

4 1/27/97 Scheduled for Committee hearing on this date.

5 1/27/97 Deferred to another day. H.J. 148

6 1/31/97 Scheduled for Committee hearing on this date.

7 2/3/97 Scheduled for Committee hearing on this date.

8 2/3/97 Judiciary Do Pass, Passed, AYES 12, NAYS 0. H.J. 254

9 2/4/97 Motion to Amend. H.J. 303

10 2/4/97 House of Representatives Do Pass Amended, Passed, AYES 53, NAYS 13. H.J. 303

11 2/5/97 First read in Senate and referred to Judiciary. S.J. 333

12 2/15/97 Scheduled for Committee hearing on this date.

13 2/15/97 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 484