

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

529B0352

## HOUSE BILL NO. 1059

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain statutes regarding residence and voting  
2 qualifications of magistrate judges.

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

4 Section 1. That § 16-12A-5 be amended to read as follows:

5 16-12A-5. A magistrate shall be a qualified elector in the circuit for which ~~he~~ the magistrate  
6 is appointed and shall reside there so long as ~~he~~ the magistrate serves ~~as magistrate~~ in such  
7 capacity. A duly appointed clerk or any deputy clerk who meets the qualifications of a magistrate  
8 may also be appointed and act as a magistrate. Nothing in this section limits the authority of the  
9 Unified Judicial System to temporarily assign a clerk or deputy clerk to serve in another circuit  
10 of this state or to limit the jurisdiction of a lay magistrate to act while on temporary duty  
11 assignment in another circuit.