

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

718B0382

SENATE JUDICIARY COMMITTEE
ENGROSSED NO. **HB1071** - 2/19/98

Introduced by: Representatives Hunt, Brooks, Hagg, and Solum and Senators Whiting and Everist

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the availability of
2 circuit judges in county seats.

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

4 Section 1. That § 16-2-21 be amended to read as follows:

5 16-2-21. The presiding judge in each judicial circuit, to be appointed by the Chief Justice,
6 subject to the rules of the Supreme Court, ~~shall have~~ has administrative supervision and authority
7 over the operation of the circuit courts, the courts of limited jurisdiction, and clerks and other
8 court personnel in the circuit. These powers and duties include, but are not limited to, the
9 following:

- 10 (1) Arranging schedules and assigning circuit judges for sessions of circuit courts;
- 11 (2) Arranging or supervising the calendaring of matters for trial or hearing;
- 12 (3) Appointing clerks, deputies and other personnel within the circuit to make available
13 their services in every county in the circuit and, subject to standards established by the
14 Supreme Court, fixing their compensation within the limits set by § 16-2-23 with
15 approval of the Chief Justice, and supervising the personnel in the discharge of their

1 functions;

2 (4) Assigning matters and duties to clerks, and prescribing times and places at which
3 clerks shall be available for the performance of their duties;

4 (5) Making arrangements with proper authorities for the drawing of jury panels and
5 determining which sessions shall be jury sessions;

6 (6) Arranging for the reporting of cases by court reporters or other authorized means;

7 (7) Arranging for the orderly disposition of specialized matters, including, but not limited
8 to traffic, domestic relations, and proceedings under chapter 26-8;

9 (8) Promulgating a schedule of offenses for which magistrates or other designated
10 persons may accept written appearances, waivers of trial, and pleas of guilty, and
11 establishing a schedule of fines and bails therefor;

12 (9) Assigning to other circuit judges in the circuit various powers and duties in this
13 chapter provided;

14 (10) Periodically reviewing the performance and application by magistrates, clerks and
15 deputy clerks of schedules they are to follow, and correcting, with or without the
16 request of the person affected, erroneous application thereof. ~~To assure the
17 availability of circuit judges in all areas of the state, the presiding judge shall arrange
18 so that in each county of his circuit there shall be available a circuit judge to hold
19 court in the county seat of each such county on at least two days each month.~~

20 To assure the availability of circuit judges in all areas of the state, the presiding judge shall
21 arrange, so that in each county of that circuit, there shall be available a circuit judge to hold court
22 in the county seat of each such county on at least two days each month if there are matters that
23 warrant the presence of a judge.

1 **BILL HISTORY**

2 1/15/98 First read in House and referred to Judiciary. H.J. 47

3 1/21/98 Scheduled for Committee hearing on this date.

4 1/21/98 Judiciary Do Pass, Passed, AYES 12, NAYS 1. H.J. 138

5 1/22/98 House of Representatives Do Pass, Passed, AYES 62, NAYS 7. H.J. 185

6 1/23/98 First read in Senate and referred to Judiciary. S.J. 186

7 2/9/98 Scheduled for Committee hearing on this date.

8 2/11/98 Scheduled for Committee hearing on this date.

9 2/11/98 Deferred to 36th legislative day, AYES 6, NAYS 1. S.J. 446

10 2/18/98 Scheduled for Committee hearing on this date.

11 2/18/98 Judiciary Reconsidered.

12 2/18/98 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 576