

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

661B0504

HOUSE BILL NO. 1098

Introduced by: Representatives Hunt and Hagg and Senators Everist and Whiting

1 FOR AN ACT ENTITLED, An Act to allow coroners to issue subpoenas outside their own
2 county and to allow special death investigators to issue subpoenas.

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

4 Section 1. That § 23-14-7 be amended to read as follows:

5 23-14-7. The coroner may issue subpoenas ~~within his county~~ for witnesses or records,
6 returnable forthwith or at such time and place as ~~he~~ the coroner shall direct, and witnesses shall
7 be allowed the same fees as in cases before a magistrate ~~and the~~. The coroner has the same
8 authority as a magistrate to enforce the attendance of witnesses; and to punish them and jurors
9 for contempt in disobeying ~~his~~ the process, ~~as a magistrate has when his process issues on behalf~~
10 ~~of the state.~~

11 Section 2. That § 23-14-18.2 be amended to read as follows:

12 23-14-18.2. At the request of a county coroner having jurisdiction over a dead body, or at
13 the request of a state's attorney in deaths which may have occurred by unlawful means, the
14 special death investigator may directly assume jurisdiction over any dead body when
15 determination of the cause and manner of death may be in the public interest, with the same
16 duties and responsibilities as a county coroner. With the concurrence of the county coroner, a

- 1 special death investigator may issue subpoenas for witnesses or records pertaining to deaths
- 2 investigated pursuant to § 23-14-18.