

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

394I0117

HOUSE BILL NO. 1049

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

1 FOR AN ACT ENTITLED, An Act to invest the court with discretion to provide for the
2 overnight supervision of juries.

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

4 Section 1. That § 23A-25-5 be amended to read as follows:

5 23A-25-5. Before the jurors retire for deliberation, one or more officers ~~must~~ shall be sworn
6 to keep ~~them~~ the jurors together in some private and convenient place, with such suitable food
7 and drink as the court shall direct. The court may, in its discretion, ~~permit the jurors to separate~~
8 either sequester the jurors during the adjournment of court overnight, under supervision of ~~the~~
9 ~~officer or~~ such officers, or discharge the jurors to their homes without supervision after proper
10 admonishment. The While supervising the jurors, the officers ~~shall~~ may not permit any person
11 (including themselves) to communicate with the jurors or to ask whether ~~they~~ the jurors have
12 agreed upon a verdict except by order of court. The officers shall return the jurors into court
13 when ~~they have~~ the jury has agreed upon a verdict.

