

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

637N0117

HOUSE BILL NO. 1093

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

1 FOR AN ACT ENTITLED, An Act to provide for the declaration and administration of certain
2 judicial emergencies.

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

4 Section 1. That chapter 16-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A judicial emergency may be declared to exist if an emergency or natural disaster
7 substantially endangers or infringes upon the normal functioning of the judicial system, the
8 ability of persons to avail themselves of the judicial system, the ability of litigants or others to
9 have access to the courts, or to meet schedules or time deadlines imposed by court order or rule,
10 statue, or administrative rule.

11 Section 2. That chapter 16-3 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The Supreme Court may declare the existence of a judicial emergency, which shall be done
14 by order. The order shall state:

- 15 (1) The jurisdictions affected by the order;
- 16 (2) The nature of the emergency necessitating the order;



1 (3) The period or duration of the judicial emergency; and

2 (4) Notwithstanding the provisions of § 16-6-16, any other information relevant to the
3 suspension or restoration of court operations.

4 An order issued under this section takes effect immediately upon its issuance and may have
5 retroactive effect to the extent specifically provided.

6 Section 3. That chapter 16-3 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 If the emergency or natural disaster makes access to the office of the clerk of court or a
9 courthouse impossible or impractical, the order declaring the judicial emergency may designate
10 another facility, which is reasonably accessible and appropriate, for the business of the court.

11 Section 4. That chapter 16-3 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 An order declaring a judicial emergency may suspend, toll, extend, or otherwise grant relief
14 from deadlines, time schedules, or filing requirements imposed by otherwise applicable statutes,
15 rules, or court orders, whether in civil cases, criminal cases, administrative matters or any other
16 legal proceedings as determined necessary. The days covered by a judicial emergency order are
17 deemed a holiday for time computation under the rules of civil procedure.

18 Section 5. That chapter 16-3 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 Upon the issuance of a judicial emergency order, or any modification or extension of such
21 an order, notice shall be given to the justices of the Supreme Court, the clerk of the Supreme
22 Court, the judges and clerks of the court for the affected jurisdictions, litigants, attorneys and
23 the public. Notice may be provided by whatever means is reasonably calculated to reach such
24 persons under the circumstances and may, without limitation, include mailing, publication in

- 1 newspapers of local or statewide circulation, posting of written notices at courthouses or other
- 2 public gathering sites, transmittal by facsimile or e-mail, or announcement on television, radio,
- 3 or public address systems.