



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0315

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1024** - 01/22/2003

Introduced by: The Committee on Retirement Laws at the request of the Department of  
Military and Veterans Affairs

1 FOR AN ACT ENTITLED, An Act to revise the definition of the periods of service which  
2 qualify for veterans benefits.

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

4 Section 1. That § 33-17-2 be amended to read as follows:

5 33-17-2. As used in § 33-17-1, the term, "qualifying military service", means:

- 6 (1) Active duty in the armed forces of the United States for one day or more during the  
7 period from April 6, 1917, to November 11, 1918, inclusive;
- 8 (2) Active duty for one day or more during the period from July 28, 1914, to  
9 November 11, 1918, inclusive, performed by a citizen of the United States in the  
10 armed forces of any nation that was allied with the United States during any part of  
11 the period from April 6, 1917, to November 11, 1918, inclusive;
- 12 (3) Active duty in the armed forces of the United States for one day or more during the  
13 period from December 7, 1941, to December 31, 1946, inclusive;
- 14 (4) Active duty for one day or more during the period from September 1, 1939, to  
15 December 31, 1946, inclusive, performed by a citizen of the United States in the



1 armed forces of any nation that was allied with the United States during any part of  
2 the period from December 7, 1941, to December 31, 1946, inclusive;

3 (5) Active duty in the armed forces of the United States for one day or more during the  
4 period from June 25, 1950, to May 7, 1975, inclusive;

5 (6) Active duty in the armed forces of the United States for one day or more during the  
6 period from August 2, 1990, to ~~March 3, 1991~~ June 30, 2004, inclusive;

7 (7) Active duty in the armed forces of the United States for one day or more in a military  
8 action for which the veteran earned an armed forces expeditionary medal, southwest  
9 Asia service medal or other United States campaign or service medal awarded for  
10 participation outside the boundaries of the United States in combat operations against  
11 hostile forces; or

12 (8) Active duty in the armed forces of the United States for one day or more if the  
13 veteran has established the existence of a service-connected disability.

14 ~~Any reserve or national guard personnel who have served~~ Service on active duty by any  
15 reserve or national guard personnel for training ~~shall~~ may not be construed ~~thereby to have~~  
16 ~~served~~ as service on active duty, unless the veterans' commission determines, by rules  
17 promulgated pursuant to chapter 1-26, that such training involved the person in direct  
18 participation in or direct support of combat operations against a hostile force.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0316

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1025** - 01/22/2003

Introduced by: The Committee on Retirement Laws at the request of the Department of  
Military and Veterans Affairs

1 FOR AN ACT ENTITLED, An Act to provide that military discharge records are only made  
2 available to specified persons.

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

4 Section 1. That § 33-17-14 be amended to read as follows:

5 33-17-14. ~~Subdivision~~ The provisions of subdivision 43-28-2(7) shall apply to certificates of  
6 discharge of all persons who may have served in the military forces of the United States or of any  
7 of its allies in any war in which the United States has or may have hereafter ~~engaged~~ engage, or  
8 who are veterans as defined in § 33-17-1, ~~and such.~~ The certificates shall be recorded without  
9 charge and certified copies shall be furnished to the persons named therein or their dependents  
10 without charge ~~when~~ if requested for the purpose of presenting or prosecuting claims for  
11 compensation or pension. Otherwise, a discharge document recorded by the recorder or a  
12 designated official may be made available only to the veteran, the veteran's parents, the veteran's  
13 next of kin, the veteran's legal representative, a county veterans' service officer, a veterans'  
14 organization service officer, the Department of Military and Veterans' Affairs, or the veteran's  
15 designee.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

707I0300

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1034** - 01/22/2003

Introduced by: The Committee on State Affairs at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to provide for the creation of a certification process for  
2 tobacco product manufacturers, a reporting requirement for distributors and wholesalers, and  
3 a directory for compliant tobacco product manufacturers, to prohibit certain activities  
4 regarding cigarettes of certain noncompliant tobacco product manufacturers, and to establish  
5 certain enforcement procedures.

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

7 Section 1. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 Terms used in this Act mean:

10 (1) "Brand family," all styles of cigarettes sold under the same trade mark and  
11 differentiated from one another by means of additional modifiers or descriptors,  
12 including menthol, lights, kings, and 100s and any brand name (alone or in  
13 conjunction with any other word), trademark, logo, symbol, motto, selling message,  
14 recognizable pattern of colors, or any other indicia of product identification identical,  
15 similar to, or identifiable with a previously known brand of cigarettes;



- 1 (2) "Cigarette," the same meaning as in § 10-50B-4;
- 2 (3) "Master Settlement Agreement," the same meaning as in subdivision 10-50B-3(4);
- 3 (4) "Nonparticipating manufacturer," any tobacco product manufacturer that is not a  
4 participating manufacturer;
- 5 (5) "Participating manufacturer," the same meaning as that term is defined in section II(jj)  
6 of the Master Settlement Agreement as of January 1, 2003;
- 7 (6) "Qualified escrow fund," the same meaning as in subdivision 10-50B-3(5);
- 8 (7) "Tobacco product manufacturer," the same meaning as in § 10-50B-5; and
- 9 (8) "Units sold," the same meaning as in § 10-50B-6.

10 Section 2. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 Any tobacco product manufacturer whose cigarettes are sold in this state whether directly  
13 or through a distributor, wholesaler, retailer, or similar intermediary or intermediaries shall  
14 execute and deliver a certification that, as of the date certified, the tobacco product manufacturer  
15 is either a participating manufacturer or is in full compliance with chapter 10-50B. The  
16 certification shall be made on a form prescribed by the secretary and delivered to the secretary  
17 no later than the thirtieth day of April of each year. A participating manufacturer shall include  
18 in its certification a list of its brand families. A nonparticipating manufacturer shall include in its  
19 certification:

- 20 (1) A complete list of all of its brand families that separately lists brand families of  
21 cigarettes and the units sold for each brand family in the state during the preceding  
22 calendar year, indicating by an asterisk any brand family sold in the state during that  
23 year that is no longer being sold in the state as of the date of the certification, and  
24 identification by name and address of any other manufacturer of listed brand families

1 in that year and the current calendar year, and all of its brand families that have been  
2 sold in the state at any time during the current calendar year;

3 (2) That the nonparticipating manufacturer is registered to do business in the state or has  
4 appointed a resident agent for service of process and provided notice thereof as  
5 required by section 12 of this Act;

6 (3) That the nonparticipating manufacturer has established and continues to maintain a  
7 qualified escrow fund, and has executed a qualified escrow agreement governing the  
8 qualified escrow fund that has been reviewed and approved by the attorney general;

9 (4) That the nonparticipating manufacturer is in full compliance with chapter 10-50B, this  
10 Act, and any rules promulgated pursuant thereto; and

11 (5) The name, address, and telephone number of the financial institution where the  
12 nonparticipating manufacturer has established the qualified escrow fund, the account  
13 number of the qualified escrow fund and sub-account number for the state, the  
14 amount the nonparticipating manufacturer placed in the fund for cigarettes sold in the  
15 state during the preceding calendar year, the date, and amount of each deposit, the  
16 amount and date of any withdrawal or transfer of funds the nonparticipating  
17 manufacturer made at any time from the fund, or from any other qualified escrow fund  
18 into which it ever made escrow payments, and such evidence or verification as may  
19 be deemed necessary by the secretary to confirm the foregoing.

20 Section 3. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 A tobacco product manufacturer shall update the brand families list included in its  
23 certification thirty days prior to any addition to or modification of its brand families by executing  
24 and delivering to the secretary a supplemental certification.

1 Section 4. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 A tobacco product manufacturer may not include a brand family in its certification unless:

4 (1) In the case of a participating manufacturer, the participating manufacturer affirms that  
5 the brand family is to be deemed its cigarettes for purposes of calculating its payments  
6 under the Master Settlement Agreement for the relevant year in the volume and shares  
7 determined pursuant to the Master Settlement Agreement; and

8 (2) In the case of a nonparticipating manufacturer, the nonparticipating manufacturer  
9 affirms that the brand family is to be deemed its cigarettes for purposes of chapter 10-  
10 50B.

11 Nothing in this section limits or otherwise affects the state's right to maintain that a brand  
12 family constitutes cigarettes of a different tobacco product manufacturer for purposes of  
13 calculating payments under the Master Settlement Agreement or for the purposes of chapter 10-  
14 50B.

15 Section 5. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17 Each tobacco product manufacturer shall maintain all invoices and documentation of sales  
18 and such other information relied upon for the certification for a period of six years, unless  
19 otherwise required by law to be maintained for a greater period of time.

20 Section 6. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 The secretary shall annually develop and publish on the Department of Revenue's internet  
23 website no later than May fifteenth of each year, a directory listing all tobacco product  
24 manufacturers that have provided current and accurate certifications conforming to the

1 requirements of this Act, and all brand families that are listed in the certifications except as  
2 provided in section 7 of this Act. The secretary shall update the directory as necessary in order  
3 to correct mistakes and to add or remove a tobacco product manufacturer or brand families to  
4 keep the directory in conformity with the requirements of this Act. The attorney general shall,  
5 if requested by the secretary, assist in the development and maintenance of the directory.

6 Section 7. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 The secretary may not include or retain in the directory the name or brand families of any  
9 nonparticipating manufacturer that fails to provide the required certification or whose  
10 certification the secretary determines is not in compliance with this Act, unless the  
11 noncompliance has been cured to the satisfaction of the secretary. No nonparticipating  
12 manufacturer or brand family may be included or retained in the directory if the secretary  
13 concludes that:

- 14 (1) Any escrow payment required pursuant to chapter 10-50B for any period for any  
15 brand family, whether or not listed by the nonparticipating manufacturer, has not been  
16 fully paid into a qualified escrow fund governed by a qualified escrow agreement that  
17 has been approved by the attorney general; or
- 18 (2) Any outstanding final judgment, including interest thereon, for violations of chapter  
19 10-50B has not been fully satisfied for the brand family or the manufacturer.

20 Section 8. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 Any tobacco product manufacturer excluded or removed from the directory may request a  
23 contested case hearing before the secretary. A request for hearing shall be made within sixty days  
24 of the manufacturer's exclusion or removal from the directory, and shall contain the evidence

1 supporting the manufacturer's compliance with chapter 10-50B and this Act. At the hearing, the  
2 secretary shall determine whether the tobacco product manufacturer is in compliance with  
3 chapter 10-50B and this Act, and whether the manufacturer should be listed in the directory. Any  
4 decision of the secretary may be appealed to the circuit court as provided by chapter 1-26.

5 Section 9. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 No later than twenty days after the end of each calendar quarter, and more frequently if so  
8 directed by the secretary, each distributor and wholesaler shall submit information concerning  
9 each nonparticipating manufacturer as the secretary requires to facilitate compliance with this  
10 Act, including, a list by brand family of the total number of cigarettes or, in the case of roll-your-  
11 own, the equivalent stick count, for which the distributor or wholesaler affixed cigarette tax  
12 stamps or imprints to a cigarette package, or otherwise paid the cigarette tax due during the  
13 previous calendar quarter. The distributor or wholesaler shall maintain and make available to the  
14 secretary all invoices and documentation of sales of all nonparticipating manufacturer cigarettes  
15 and any other information relied upon in reporting to the secretary for a period of six years.

16 Section 10. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 In addition to the information required to be submitted pursuant to this Act, the secretary  
19 may require a distributor, wholesaler, or tobacco product manufacturer to submit information  
20 including, samples of the packaging or labeling of each brand family, as necessary to determine  
21 whether a tobacco product manufacturer, distributor, or wholesaler is in compliance with this  
22 Act.

23 Section 11. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1 No distributor or wholesaler or other person may:

2 (1) Affix a South Dakota cigarette tax stamp or imprint to a package or other container  
3 of cigarettes, or pay South Dakota cigarette tax on cigarettes of a tobacco product  
4 manufacturer or brand family not included in the directory; or

5 (2) Sell or distribute, or acquire, hold, own, possess, transport, import, or cause to be  
6 imported, cigarettes of a tobacco product manufacturer or brand family not included  
7 in the directory that the distributor, wholesaler, or other person knows or should  
8 know are intended for distribution or sale in this state.

9 Section 12. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 Any nonresident or foreign nonparticipating manufacturer that has not registered to do  
12 business in the state as a foreign corporation or business entity shall, as a condition precedent  
13 to having its brand families listed or retained in the directory, appoint and continually engage  
14 without interruption the services of an agent in the United States to act as agent for the service  
15 of process upon whom all process, and any action or proceeding against it concerning or arising  
16 out of the enforcement of this Act and chapter 10-50B, may be served in any manner authorized  
17 by law. Service under this section constitutes legal and valid service of process on the  
18 nonparticipating manufacturer. The nonparticipating manufacturer shall provide the name,  
19 address, phone number, and proof of the appointment and availability of the agent to, and to the  
20 satisfaction of, the secretary.

21 Section 13. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23 A nonparticipating manufacturer shall provide notice to the secretary thirty calendar days  
24 prior to termination of the authority of an agent established by section 12 of this Act and shall

1 further provide proof to the satisfaction of the secretary of the appointment of a new agent no  
2 less than five calendar days prior to the termination of an existing agent appointment. If an agent  
3 terminates an agency appointment, the nonparticipating manufacturer shall notify the secretary  
4 of the termination within five calendar days and shall include proof to the satisfaction of the  
5 secretary of the appointment of a new agent.

6 Section 14. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 Any nonparticipating manufacturer whose products are sold in this state without appointing  
9 or designating an agent as required by this Act shall be deemed to have appointed the secretary  
10 of state as its agent and may be proceeded against in courts of this state by service of process  
11 upon the secretary of state. However, the appointment of the secretary of state as its agent does  
12 not constitute compliance for the purpose of having a nonparticipating manufacturer or its brand  
13 families listed or retained in the directory.

14 Section 15. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
15 follows:

16 The secretary may disclose to the attorney general any information received under this Act  
17 and requested by the attorney general for purposes of determining compliance with and enforcing  
18 the provisions of this Act and chapter 10-50B. The secretary and attorney general shall share  
19 with each other the information received under this Act, and may share such information with  
20 other federal, state, or local agencies only for purposes of enforcement of this Act, chapter 10-  
21 50B, or corresponding laws of other states.

22 Section 16. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
23 follows:

24 The attorney general may require a nonparticipating manufacturer to provide proof from the

1 financial institution in which the manufacturer has established a qualified escrow fund for the  
2 purpose of compliance with chapter 10-50B, of the amount of money in the fund being held in  
3 escrow, the dates of deposits, and a listing of the amounts of all withdrawals from the fund and  
4 the dates thereof.

5 Section 17. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Any cigarettes that have been sold, offered for sale, or possessed for sale in violation of this  
8 Act are contraband goods and may be legally seized, without a warrant, by the secretary, the  
9 secretary's agents or employees, or by any law enforcement officer of this state if directed by the  
10 secretary to do so. Any cigarettes seized and forfeited under this section shall be destroyed.

11 Section 18. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The secretary, for purposes of this Act, may promulgate rules pursuant to chapter 1-26  
14 concerning the procedures, forms, and contents for:

- 15 (1) The certification process for tobacco product manufacturers;
- 16 (2) The reporting requirements for distributors and wholesalers; and
- 17 (3) The directory of tobacco product manufacturers that have complied with the  
18 requirements of this Act.

19 Section 19. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
20 follows:

21 The attorney general may seek an injunction to restrain a threatened or actual violation of  
22 this Act. In any action brought by the state to enforce the provisions of this Act, the court shall  
23 award the state the recovery of its expert witness fees, costs, and reasonable attorney fees.

24 Section 20. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The first report required of a distributor or wholesaler under this Act is due July 15, 2003,  
3 the tobacco product manufacturer certifications required under this Act are due August 15,  
4 2003, and the secretary shall have the directory published on the Department of Revenue's  
5 internet website required under this Act no later than September 30, 2003. Until the secretary  
6 publishes the directory pursuant to this section, the cigarettes of any participating manufacturer  
7 and of any nonparticipating manufacturer included on the directory published by the secretary  
8 under § 10-50-69 as it exists on June 30, 2003, may be sold, distributed, acquired, held, owned,  
9 possessed, transported, imported, or caused to be imported in this state.

10 Section 21. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 If a court of competent jurisdiction finds that the provisions of this Act and of chapter 10-  
13 50B conflict and cannot be harmonized, then the provisions of chapter 10-50B shall control. If  
14 any provision of this Act causes chapter 10-50B to no longer constitute a qualifying or model  
15 statute, as those terms are defined in the Master Settlement Agreement, then that portion of this  
16 Act is not valid.

17 Section 22. That § 10-50-68 be repealed.

18 ~~10-50-68. No distributor or wholesaler may, directly or indirectly, affix a South Dakota~~  
19 ~~cigarette tax stamp or imprint to a package of cigarettes, or pay South Dakota cigarette tax on~~  
20 ~~roll-your-own tobacco product, manufactured or sold by a tobacco product manufacturer unless:~~

21 ~~—(1)—The manufacturer is a participating manufacturer as that term is defined in subdivision~~  
22 ~~10-50B-7(1); or~~

23 ~~—(2)—The manufacturer is a nonparticipating manufacturer in compliance with subdivision~~  
24 ~~10-50B-7(2).~~

1 Section 23. That § 10-50-69 be repealed.

2 ~~10-50-69. The secretary of revenue shall annually, no later than May fifteenth, transmit to~~  
3 ~~all licensed distributors and wholesalers, and post on the Department of Revenue's website, a~~  
4 ~~directory of nonparticipating tobacco product manufacturers determined by the secretary to be~~  
5 ~~in compliance with subdivision 10-50B-7(2). The secretary of revenue shall amend the directory~~  
6 ~~on the Department of Revenue's website, as necessary, to include any nonparticipating tobacco~~  
7 ~~product manufacturer determined to be in compliance with subdivision 10-50B-7(2) after May~~  
8 ~~fifteenth, or to remove any nonparticipating tobacco product manufacturer subsequently~~  
9 ~~determined not to be in compliance with subdivision 10-50B-7(2). The secretary of revenue may~~  
10 ~~require distributors, wholesalers, and nonparticipating tobacco product manufacturers to submit~~  
11 ~~such information as the secretary may determine is necessary to enable the secretary to determine~~  
12 ~~whether a nonparticipating tobacco product manufacturer is in compliance with subdivision~~  
13 ~~10-50B-7(2).~~

14 Section 24. That § 10-50-70 be repealed.

15 ~~10-50-70. Any nonparticipating tobacco product manufacturer excluded or removed from~~  
16 ~~the directory may request a contested case hearing before the secretary. A request for hearing~~  
17 ~~shall be made within sixty days of the exclusion or removal or the date the manufacturer~~  
18 ~~determined it was in full compliance with this chapter and chapter 10-50B, and shall contain the~~  
19 ~~evidence supporting the manufacturer's compliance with subdivision 10-50B-7(2). At the~~  
20 ~~hearing, the secretary shall determine whether the nonparticipating tobacco product manufacturer~~  
21 ~~is in compliance with subdivision 10-50B-7(2), and whether the manufacturer should be listed~~  
22 ~~in the directory.~~

23 Section 25. That § 10-50-71 be repealed.

24 ~~10-50-71. Any stamped cigarettes or roll-your-own tobacco on which taxes have been paid~~

1 ~~in violation of §§ 10-50-68 to 10-50-71, inclusive, are contraband goods and may be legally~~  
2 ~~seized, without a warrant, by the secretary of revenue, department agents or employees, or by~~  
3 ~~any law enforcement officer of this state if directed by the secretary to do so. Any tobacco~~  
4 ~~products seized and forfeited under this section shall be destroyed. The Department of Revenue~~  
5 ~~may allow a credit for tax paid on contraband cigarettes and roll-your-own product returned to~~  
6 ~~the manufacturer or distributor from which they were purchased.~~

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

394I0113

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1051** - 01/22/2003

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

1 FOR AN ACT ENTITLED, An Act to make sliming court services officers or designees a crime.

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

3 Section 1. That § 22-18-26.1 be amended to read as follows:

4 22-18-26.1. Any person who, with the intent to assault, throws, smears, or causes human  
5 blood, emesis, mucus, semen, excrement, or human waste to come in contact with a law  
6 enforcement officer as defined in subdivision 22-1-2(22), a firefighter, a court services officer  
7 or designee, or an emergency medical technician, while performing official duties or actions, is  
8 guilty of a Class 1 misdemeanor.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

394I0107

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1053** - 01/22/2003

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

1 FOR AN ACT ENTITLED, An Act to provide for the centralization and computerization of  
2 certain jury selection processes.

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

4 Section 1. That § 16-13-4.1 be amended to read as follows:

5 16-13-4.1. For the purposes of this chapter, the jury selection list shall be prepared using  
6 electronic means by the ~~county auditor pursuant to § 12-4-10~~ state court administrator's office  
7 and shall consist of the current voter registration list, ~~as~~ obtained from the secretary of state,  
8 supplemented by the list of persons eighteen years of age and over holding a valid driver's license  
9 ~~list.~~ The state court administrator's office shall annually merge these lists, and purge duplicate  
10 listings, to create an accurate jury selection list for preparing the master juror list in each county.

11 The county auditor may request that the supplemental driver's license list be compiled from a list  
12 of those drivers within the county who have renewed, updated, or applied for a driver's license  
13 in the last two years. The ~~driver's license list shall be used for the express reason of~~  
14 ~~supplementing the jury list and~~ jury selection list may not be distributed, sold, or duplicated for  
15 any other purpose.



1 Section 2. That § 16-13-5 be repealed.

2 ~~16-13-5. The board of jury selectors each year shall prepare the master juror list for the~~  
3 ~~county.~~

4 Section 3. That § 16-13-9 be repealed.

5 ~~16-13-9. A quorum of the board of jury selectors shall at all times be present during the~~  
6 ~~preparation of the master juror list.~~

7 Section 4. That § 16-13-9.1 be amended to read as follows:

8 16-13-9.1. For the purposes of this chapter, the master juror list shall be that list of names  
9 randomly selected by the ~~board of jury selectors~~ state court administrator's office from the jury  
10 selection lists and the driver license lists list, from which the various grand and petit jury panels  
11 shall be drawn.

12 Section 5. That § 16-13-9.2 be amended to read as follows:

13 16-13-9.2. ~~The board of jury selectors shall choose at random a number not less than one nor~~  
14 ~~more than the total number of jurors to be placed upon the master jury list. Using that a random~~  
15 ~~number, the board of jury selectors shall then proceed to choose not less than one nor more than~~  
16 ~~the total number of jurors to be placed on the master jury list, the state court administrator's~~  
17 ~~office shall select from the jury selection list for the each county the name corresponding to that~~  
18 ~~random number in sequence. These names shall then be supplemented by names randomly~~  
19 ~~selected from the county driver's license list in the same manner. The board of jury selectors may~~  
20 ~~use an electronic or mechanical system or device in carrying out its duties under this section. This~~  
21 ~~process shall continue until the number of names provided for pursuant to § 16-13-2 is selected.~~

22 Section 6. That § 16-13-9.4 be repealed.

23 ~~16-13-9.4. If an electronic selection process is not used, in order that every person eligible~~  
24 ~~for jury duty in the county may have a chance for jury duty, in each odd-numbered year, the~~

1 ~~random selection process determined by § 16-13-9.2 shall commence at the beginning of the jury~~  
2 ~~selection lists and then through to the end of the lists. In every even-numbered year, the random~~  
3 ~~selection process shall commence at the end of the jury selection lists and then through to the~~  
4 ~~beginning of the lists.~~

5 Section 7. That § 16-13-9.5 be repealed.

6 ~~—16-13-9.5. If an electronic selection process is not used, and the board of jury selectors~~  
7 ~~exhausts the jury selection list and the driver's license list without obtaining the minimum number~~  
8 ~~of names to be selected, the board shall repeat the process until the minimum number of names~~  
9 ~~is drawn. In that situation, the board of jury selectors may take the name immediately before or~~  
10 ~~after the number that was randomly selected pursuant to § 16-13-9.2 as it appears on the jury~~  
11 ~~selection list.~~

12 Section 8. That § 16-13-13 be amended to read as follows:

13 16-13-13. Promptly upon completion receipt of the master juror list from the state court  
14 administrator's office, and in any event before October first in each year, the board of jury  
15 selectors shall sign the list and shall file it with the clerk of courts. The list shall be kept on file  
16 for four years. The clerk of courts shall then prepare separate tickets for each person named in  
17 the master juror list furnished by the board of jury selectors, unless a name is stricken pursuant  
18 to § 16-13-15. This process may be performed electronically.

19 Section 9. That § 16-13-15 be amended to read as follows:

20 16-13-15. The board of jury selectors shall ascertain whether each of the persons on the  
21 master juror list has the qualifications of a juror as provided by § 16-13-10 from the information  
22 available to ~~them~~ the board from records of the county or other readily available sources, or has  
23 served as a juror within two years. A person has served as a juror if that person has been  
24 summoned and appeared for a trial. If, from examination of the master juror lists, it appears that

1 any person listed thereon does not have the qualifications to serve as a juror or has served as a  
2 juror within two preceding years, the board of jury selectors shall strike such name from the list  
3 and draw another in its place. ~~If the master list is selected electronically, the~~ The board shall  
4 adjust the number to be drawn to allow for the elimination of the names of those disqualified.  
5 ~~— The clerk of any magistrate court having a separate clerk shall furnish the clerk of the circuit~~  
6 ~~court with a list of the names and addresses of all persons who have served as jurors for the~~  
7 ~~calendar year when requested by the clerk of the circuit court, who shall preserve the lists for~~  
8 ~~two years.~~

9 The board of jury selectors shall record with the list of jurors the reasons for disqualification  
10 of any person stricken from the master jury list.

11 Section 10. That § 16-13-31 be amended to read as follows:

12 16-13-31. No irregularity or omission upon the part of the state court administrator's office,  
13 the board of jury selectors, or of any officer, in the performance of any duty imposed by this  
14 chapter, ~~shall~~ serves to invalidate the panel of grand or petit jurors selected unless it shall be  
15 made to appear to the satisfaction of the court for which the panel was drawn that there was such  
16 misfeasance or malfeasance as would tend to deprive some litigant or person charged with crime  
17 of a substantial right, in which event the court may dismiss any or all members of the panel from  
18 the trial of such case or the consideration of such matter or for the term and may make such  
19 order respecting the drawing of additional names from the list or a new panel or a special venire  
20 as ~~he~~ the court may deem proper.

21 Section 11. That § 16-13-34 be amended to read as follows:

22 16-13-34. ~~After~~ Unless processed electronically, after the panel or panels of jurors have been  
23 drawn, the clerk of courts shall mail to each juror, at least sixty days prior to the time the juror  
24 is to serve, a notice that ~~he~~ such person has been drawn as a juror.

1 The notice shall state the time and place the juror shall serve; and shall have attached thereto  
2 an acceptance of service to be signed by each juror. There shall also be enclosed with the notice  
3 a stamped envelope addressed to the clerk of courts for the return of the acceptance of service.  
4 ~~It shall be the duty of the jurors to~~ Each juror shall sign the acceptance of service of the notice,  
5 ~~to answer any questionnaires enclosed with the acceptance, and to mail it to the clerk of courts~~  
6 ~~within ten days after receipt~~ or respond electronically using the court's juror website within ten  
7 days after receipt.

8 Section 12. That § 16-13-42 be amended to read as follows:

9 16-13-42. If ~~all persons~~ any person summoned as grand and petit ~~jurors to~~ juror does not  
10 appear before the court, or if for any cause the panel of grand or petit jurors is not complete, or  
11 if no jury is drawn as provided by § 16-13-27, the court shall order the clerk of courts to  
12 summon without delay persons having the qualifications of jurors, whose names appear upon the  
13 master jury list, and if the jury list is exhausted then the clerk of courts shall ~~place~~ request from  
14 the state court administrator's office additional names on the master list pursuant to § 16-13-9.2.  
15 ~~Using a random number the clerk of courts shall choose additional persons to be summoned for~~  
16 ~~jury duty from the master jury list.~~ The trial court shall designate the persons authorized to assist  
17 the clerk of courts in contacting those summoned. The clerk and authorized assistants shall make  
18 and file with the court a memorandum of the manner in which attempts to contact additional  
19 jurors were made, responses or lack thereof, and the name of each additional juror contacted.  
20 ~~The~~ Each person ~~or persons~~ so summoned shall forthwith appear before the court, and, if  
21 competent, shall serve on the grand or petit jury as the case may be unless excused or lawfully  
22 challenged.