

STATE OF SOUTH DAKOTA  
In the Supreme Court  
I, Shirley A. Jameson-Fergal, Clerk of the Supreme Court of  
South Dakota, hereby certify that the within instrument is a true  
and correct copy of the original thereof as the same appears  
on record in my office. In witness whereof, I have hereunto set  
my hand and affixed the seal of said court at Pierre, S.D., this  
25 day of Feb, 2026.

Shirley A. Jameson-Fergal  
Clerk of Supreme Court  
Deputy

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

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SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

FEB 25 2026

Shirley A. Jameson-Fergal  
Clerk

IN THE MATTER OF THE AMENDMENT )  
TO SDCL 19-19-702 )

RULE 26-04

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A hearing was held on February 11, 2026, at Pierre,  
South Dakota, relating to the amendment of SDCL 19-19-702, and the  
Court having considered the proposed amendment and oral presentation  
relating thereto, now, therefore, it is

ORDERED that SDCL 19-19-702 be amended to read in its  
entirety as follows:

SDCL 19-19-702 Testimony by expert. A witness who is  
qualified as an expert by knowledge, skill, experience, training,  
or education may testify in the form of an opinion or otherwise if  
the proponent demonstrates to the court that it is more likely than  
not:

- (a) The expert's scientific, technical, or other specialized  
knowledge will help the trier of fact to understand the evidence or  
to determine a fact in issue;
- (b) The testimony is based on sufficient facts or data;
- (c) The testimony is the product of reliable principles and  
methods; and
- (d) The expert has reliably applied expert's opinion reflects a  
reliable application of the principles and methods to the facts of  
the case.

IT IS FURTHER ORDERED that this rule shall become  
effective March 31, 2026.

DATED at Pierre, South Dakota, this 25th day of  
February, 2026.

BY THE COURT:

Steven R. Jensen  
Steven R. Jensen, Chief Justice

ATTEST

Shirley A. Jameson-Fergal  
Clerk of the Supreme Court  
(SEAL)