

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 2006

Shirley A. Johnson Long
Clerk

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IN THE MATTER OF THE AMENDMENT)

SDCL 19-9-3

RULE 06-67

A hearing was held on February 16, 2006, at Pierre, South Dakota, relating to the amendment of SDCL 19-9-3, and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 19-9-3 be and it is hereby amended to read in its entirety as follows:

SDCL 19-9-3. (Rule 103(a)). Requirements for error predicted on erroneous evidentiary ruling.

Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected, and:

- (1) In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record, stating the specific ground of objection, if the specific ground was not apparent from the context; or
- (2) In case the ruling is one excluding evidence, the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked.

Once the court makes a definitive ruling on the record admitting or excluding evidence, either at or before trial, a party need not renew an objection or offer of proof to preserve a claim of error for appeal.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2006

DATED at Pierre South Dakota, this 17th day of March
2006

BY THE COURT:

David Gilbertson

David Gilbertson, Chief Justice

ATTEST

[Signature]
Clerk of the Supreme Court
(SEAL)