

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT
OF SDCL 15-6-51(b)

RULE 98-27

A hearing having been held June 1, 1998, at Pierre South Dakota, relating to the amendment of SDCL 15-6-51(b), and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-51(b) be and it is hereby amended to read in its entirety as follows:

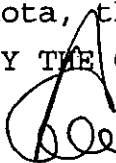
15-6-51(b) Settlement of instructions. A written request offered to the court by a party is a "requested" instruction. Instructions prepared by the court are "proposed" instructions. The court must settle all requested and proposed instructions, on the record, out of the hearing of the jury. During the settlement hearing, the parties must make their objections to the proposed instructions and other parties' requested instructions pursuant to SDCL 15-6-51(a). The court must rule on the objections and requested instructions before the close of the hearing. All refused instructions shall be filed with the clerk of courts. After the close of the hearing, the instructions are "settled." The court must reduce all settled instructions to writing and read them to the jury. The jury and the parties must receive at least one copy of the instructions.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1998.

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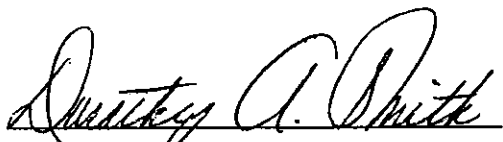
DATED at Pierre, South Dakota, this 8th day of June, 1998.

BY THE COURT:



Robert A. Miller, Chief Justice

ATTEST:



Clerk of the Supreme Court

(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JUN 08 1998


Clerk