

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE ADOPTION OF A )  
NEW RULE TO BE ADDED TO SDCL 23A-20)

RULE 99-13

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A hearing having been held on February 25, 1999, at Pierre, South Dakota, relating to the adoption of a new rule relating to challenges for cause in criminal cases, and the Court having considered the proposed new rule, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the following new rule, to be added to SDCL 23A-20, be and it is hereby adopted to read in its entirety as follows:

**23A-20- . Challenges for cause in criminal cases.**

- (1) The prospective juror does not meet one of the qualifications required by § 16-13-10 or is disqualified under that section.
- (2) The prospective juror is related by consanguinity or affinity within the sixth degree, as defined by § 23A-20-30 to the defendant, alleged victim or complainant.
- (3) The prospective juror is a member of the family of the defendant, alleged victim or complainant or one of the attorneys in the case.
- (4) The prospective juror has a relationship of guardian and ward, master and servant, employer and employee, landlord and tenant, or principal and agent with an attorney, the defendant, alleged victim or complainant in the case.
- (5) The prospective juror is a partner or associate in business with an attorney, the defendant, alleged victim or complainant in the case.

- (17) The prospective juror served on a jury trial that tried another person for the offense charged in the indictment or information.
- (18) The prospective juror was a member of a jury formerly sworn to try the indictment, information, or complaint, and whose verdict was set aside or which was discharged without a verdict.
- (19) The prospective juror served as a juror in a civil action brought against the defendant for the act charged as an offense.
- (20) If a talesman, the prospective juror applied directly or indirectly to a sheriff, deputy sheriff, or coroner of the county to be summoned for jury duty.
- (21) A challenge for actual bias showing the existence of a state of mind on the part of a prospective juror, in reference to the case or to the defendant, the prosecution, alleged victim, or complainant that satisfies the court, in the exercise of sound discretion, that the juror cannot try the issue impartially, without prejudice to the substantial rights of the party challenging.

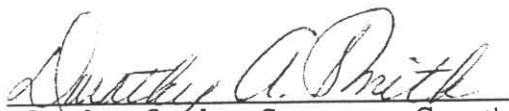
IT IS FURTHER ORDERED that this rule shall become effective July 1, 1999.

DATED at Pierre, South Dakota, this 15th day of March, 1999.

BY THE COURT:

  
Robert A. Miller, Chief Justice

ATTEST:

  
Clerk of the Supreme Court  
(SEAL)

**SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED**

MAR 15 1999

  
Clerk