

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT)  
OF SDCL 23A-20-13.1 )

RULE 02-04

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A hearing was held on February 14, 2002, at Pierre, South Dakota, relating to the amendment of SDCL 23A-20-13.1, 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 23A-20-13.1 be and it is hereby amended to read in its entirety as follows:

**SDCL 23A-20-13.1 Challenges for cause in criminal cases.**  
Challenges for cause may be taken on any of the following grounds:

(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 or the defendant, alleged victim or complainant in the case.

(5) The prospective juror is a partner or associate in business with an attorney or the defendant, alleged victim or complainant in the case.

(6) The prospective juror is a surety on a bond or an obligation for an attorney or the defendant, alleged victim or complainant in the case.

(7) The prospective juror, presently, has a relationship of attorney and client with one of the attorneys in the case or has had such a relationship within one year previously.

(8) The prospective juror is an officer, agent, or employee of a corporation, between which corporation and

an attorney in the case, the relationship of attorney and client exists.

(9) The prospective juror is the spouse of an attorney in the case.

(10) The prospective juror is the spouse of any other prospective juror who would be subject to a challenge for cause under this section.

(11) The prospective juror has knowledge of some or all of the material facts of the case and has an unqualified opinion or belief as to the merits of the case.

(12) The prospective juror has a state of mind evincing enmity against, or bias to or against an attorney, the defendant, the prosecution, the alleged victim or complainant in the case.

(13) Within two years prior to being summoned, the prospective juror served as a juror in the county during a prior term of jury service pursuant to § 16-13-22.

(14) The prospective juror is a defendant in a criminal prosecution pending in the county.

(15) The prospective juror is a party adverse to the defendant in a civil action, or has complained against or been accused by defendant in a criminal action.

(16) The prospective juror served on a grand jury that found the indictment, or on a coroner's jury that inquired into the death of a person whose death is the subject of the prosecution.

(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 the 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.

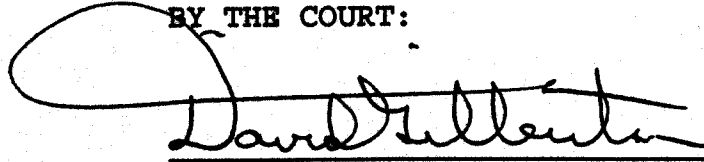
(21) A challenge for actual bias showing the existence of a state of mind on the part of a prospective juror, in reference to the case or to a party, that satisfies the court, in the exercise of sound discretion, that the juror cannot try the issue impartially, without prejudice to the substantial rights of the party challenging.

RULE 02-04

IT IS FURTHER ORDERED that this rule shall become effective  
July 1, 2002.

DATED at Pierre, South Dakota, this 27th day of February, 2002.

BY THE COURT:

  
David Gilbertson, Chief Justice

ATTEST:

  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

FEB 27 2002

  
Clerk