

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

* * * *

IN THE MATTER OF THE AMENDMENT)

SDCL 15-6-51(b)

)

RULE 06-49

A hearing was held on February 16, 2006, 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 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:

SDCL 15-6-51(b). Instructions.

The court:

- (1) must inform the parties of its proposed instructions and proposed action on the requests before instructing the jury and before final jury arguments;
- (2) must give the parties an opportunity to object on the record and out of the jury's hearing to the proposed instructions and actions on requests before the instructions and arguments are delivered; and
- (3) may instruct the jury at any time after trial begins and before the jury is discharged.

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)