

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

MAR 17 1997

Albert Engel

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL)
15-39-59)

RULE 97-16

A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 15-39-59, 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 15-39-59 be and it is hereby amended to read in its entirety as follows:

15-39-59. Removal of cause for jury trial -- Magistrate or circuit court -- Entry fee. Except in the judicial circuit so designated by the Supreme Court under (insert session law designation of HB 1068), a defendant may exercise the right of removal of cause for trial by jury. However, the presiding judge shall determine by order for each county within his circuit whether such trials shall take place in magistrate court or circuit court. The fee specified by § 15-39-57 for the entry of the action for trial by jury must be paid.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1997.

DATED at Pierre, South Dakota, this 17th day of March, 1997.

BY THE COURT:

Robert A. Miller

Robert A. Miller, Chief Justice

ATTEST:

Alvin J. Engel
Clerk of the Supreme Court
(SEAL)