

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT) RULE 21-10
OF SDCL 19-19-404(b))

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 19-19-404(b) and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 19-19-404(b) be and it is hereby amended to read in its entirety as follows:

be and it is hereby amended to read in its entirety as follows:

SDCL 19-19-404(b) .

(b) Other Crimes crimes, wrongs, or other acts.


- (1) Prohibited Uses. Evidence of a any other crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
- (2) ~~Permitted uses; notice in a criminal case.~~ This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. ~~On request by a defendant in a criminal case, the prosecutor must:~~
- (3) Notice in a criminal case. In a criminal case, the prosecutor must:
 - (A) Provide reasonable notice ~~of the general nature~~ of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it; and
 - (B) Articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose; and
 - (C) Do so in writing before trial - or in any form during trial if the court, for good cause, excuses lack of pretrial notice.

RULE 21-10

IT IS FURTHER ORDERED that this rule shall become effective January 1, 2022.

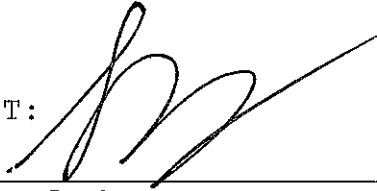
DATED at Pierre, South Dakota, this 1st day of September, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

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Clerk