

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

940B0571

## HOUSE BILL NO. 1138

Introduced by: Representatives Gosch, Brunner, Greenfield (Lana), Jensen (Kevin), Lake, Lesmeister, Qualm, Rasmussen, Reed, Schoenfish, and Zikmund and Senators Greenfield (Brock), Cronin, Maher, Monroe, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding the mandatory retirement age  
2 of judges.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 16-1-4.1 be amended to read:

5 16-1-4.1. A justice of the Supreme Court who attains the age of eighty is automatically  
6 retired on the first Tuesday after the first Monday of January ~~next after the~~ following the next  
7 general election at which members of the Legislature are elected ~~immediately following the~~  
8 ~~attainment of age seventy of such justice. Such.~~ A justice who is automatically retired under this  
9 section shall conclude all matters that are pending before ~~him~~ the justice, unless the Supreme  
10 Court makes other provisions for the disposition of ~~such~~ the matters.

11 Section 2. That § 16-6-31 be amended to read:

12 16-6-31. A judge of a circuit court who attains the age of eighty is automatically retired on  
13 the first Tuesday after the first Monday of January ~~next after the~~ following the next general  
14 election at which members of the Legislature are elected ~~immediately following the attainment~~



1 of age seventy of such judge. ~~Such.~~ A judge who is automatically retired under this section shall  
2 conclude all matters pending before ~~him~~ the judge, unless the Supreme Court makes other  
3 provisions for the disposition of ~~such~~ the matters.

4 Section 3. That § 3-12-93 be amended to read:

5 3-12-93. Any justice of the Supreme Court or judge of the circuit court of this state who is  
6 automatically retired ~~pursuant to the provisions of~~ in accordance with § 16-1-4.1 or 16-6-31, or  
7 who, ~~having reached age seventy, retired prior to January 7, 1975, and who~~ reaches age eighty  
8 and has not fully qualified for retirement benefits as ~~provided by~~ in accordance with this chapter,  
9 shall ~~nevertheless~~ receive retirement benefits in the proportion that ~~his~~ the justice's or judge's  
10 total time served bears to fifteen years, ~~or if he has served.~~ A justice or judge who serves in  
11 excess of fifteen years ~~then~~ shall receive full benefits under this chapter.