

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

178V0548

SENATE BILL NO. 102

Introduced by: Senators Begalka, Bradford, Kirkeby, Lederman, Tieszen, and Vehle and
Representatives Erickson, Feinstein, Gosch, Hajek, Johns, and Stevens

1 FOR AN ACT ENTITLED, An Act to provide that, upon completion of certain proceedings,
2 magistrate judges may return or dispose of property taken in as evidence.

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

4 Section 1. That § 23A-37-8 be amended to read as follows:

5 23A-37-8. The court shall release all property to its rightful owner, if:

- 6 (1) The owner is not prohibited by law from possessing such property;
7 (2) The property is not needed as evidence in any judicial proceeding;
8 (3) Satisfactory arrangements have been made to return such property to the court if
9 subsequently needed as evidence.

10 Upon completion of the proceeding, the circuit court or magistrate judge shall make
11 arrangements for the return or disposition of all property used as evidence.

