FY14 FINE AND BOND SCHEDULE FOR USE BY CLERK MAGISTRATES

Effective July 1, 2013

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

ORDER promulgating a schedule of fines and bonds and a fine and bond addendum for Class 2 misdemeanors and authorizing clerk magistrates to fix bonds in other offenses in the counties of this judicial circuit.

SCHEDULE I - BOND SCHEDULE

In accordance with § 16-2-21(8)

Comes now the presiding judge of the Second Judicial Circuit and makes the following Order, superseding all previous such orders, and authorizing clerk magistrates to allow personal recognizance or set bond for persons charged with offenses as follows:

FELONIES

1. Those accused of murder, first degree manslaughter, or kidnapping are to be brought before a circuit judge or magistrate judge for the first appearance.
2. Second degree manslaughter - $250 to $10,000
3. Grand theft - $250 to $10,000
4. Burglary - $250 to $10,000
5. Bad checks - $250 to $5,000
6. DUI (third & subsequent offenses) - $580 to $5,000
7. Robbery - $580 to $25,000
8. Sexual contact - $580 to $10,000
9. Rape - $580 to $25,000
10. Forgery - $250 to $5,000
11. All other felonies - $250 to $10,000

CLASS 1 MISDEMEANORS AND ORDINANCES

1. DWI (first and second offense) - $225 to $1,000

2. Reckless driving - $150 to $208

3. Bad checks - $120 to $580

4. All other Class 1 misdemeanors - $95 to $1,000

5. Domestic Abuse - Bond or other conditions of release shall be determined by a magistrate judge or circuit court as required by § 25-10-40 and §25-10-41.

CLASS 2 MISDEMEANORS AND ORDINANCES
($500 fine and $66 costs and/or 30-day sentence maximum)

PETTY OFFENSES
($25 judgment, no costs assessed)

Schedule II sets forth the bond and "mail-in" schedules for use where applicable. If the offense is a Class 2 misdemeanor and is not listed on Schedule II, the defendant must appear before a magistrate or a circuit judge.

SCHEDULE II - FINE, BOND AND MAIL-IN AMOUNTS

In further compliance with § 16-2-21 (8), the following are commonly cited violations for which clerk magistrates are directed to charge the total amount indicated. The total amount includes the fine plus:

1) For a violation of a statute -- $66 [$40 for liquidated costs (§ 23-3-52) and $26 for surcharges (§ 16-2-41 and § 23A-28B-42)]; or

2) For a violation of an administrative rule or ordinance -- $60 [$40 for liquidated costs (§ 23-3-52) and $20 for surcharges (§ 16-2-41 and § 23A-28B-42)]

The judgment amount for all petty offenses is $25 (SDCL 23-1A-22). No costs are assessed.

If a defendant is sentenced to pay a fine, costs, or restitution, the clerk magistrate, after consulting with a magistrate judge or circuit judge, may require 1) execution of a wage assignment, 2) a schedule of time payments, or 3) performance of community service work to discharge the debt in accordance with SDCL 23A-27-25.1.

A defendant may choose to serve time in jail to pay the fine, costs for any criminal offense at a rate of $60 per day for time served pursuant to SDCL 23A-27-25.5. However, this decision or any decision that requires the defendant to serve jail time as a sentence must be rendered, after appropriate hearing, by a magistrate judge or circuit judge. While a clerk magistrate may require the

defendant to remain in custody if the defendant is unable to meet the conditions of release, the clerk magistrate may not sentence a defendant to serve time in jail.

MUNICIPAL ORDINANCES

All municipal offenses and misdemeanor possession of marijuana charges (for two ounces or less) – P.R. Bond

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STATUTE	OFFENSE	FINE	TOTAL	CODE
	ALCOHOL AND DRUG OFFENSES			
22-42A-3	Possession of drug paraphernalia	$204	$270	DGPH
22-42A-3	Possession of drug paraphernalia by driver of vehicle *(See SDCL 32-12-52.3)*	$204	$270*	DGPH
32-12A-44	Commercial driving under the influence	$254	$320	DWCV
34-46-2	Underage purchase of cigarettes *Note: Penalty is cited under §34-46-5.*	$29	$95	*Various*
35-1-5.3	Drinking/mixing alcoholic beverage in a public place	$54	$120	BTTL
35-1-9.1	Open alcoholic beverage container in motor vehicle	$54	$120	OPEN
35-9-1.1	Furnishing alcohol to persons ages 18 to 21	$54	$120*	ALM2
35-9-2	Underage alcohol purchase, possession, consumption *(See SDCL 35-9-7)*	$54	$120* Under 18 possession is CHINS offense	BOOZ
	DRIVER LICENSE OFFENSES			
32-12-22	No valid driver's license	$54	$120	NDLC
32-12-65(2) (32-35-110)	Driving while license suspended	$204	$270*	DRRV SSPN
32-12-65(3)	Driving while license canceled	$104	$170	CANL
32-12-72	Allow unauthorized person to use motor vehicle	$54	$120	AUPV
32-12-74	Violation of license restriction	$54	$120	UVRL
32-12A-6	No commercial driver's license	$104	$170	CMDI
	EMERGENCY VEHICLE OFFENSES			
32-31-6	Failure to pull to edge of curb on proper audible signal of emergency vehicle	$54	$120	MRGC
32-31-7	Following fire apparatus	$29	$95	ALRM
32-31-8	Driving over fire hose	$29	$95	HOSE

* Court Appearance Required

STATUTE	OFFENSE	FINE	TOTAL	CODE
	LIVESTOCK TRANSPORTATION OFFENSES			
40-20-10	Transporting livestock without shipper's agreement	$54	$120	TLNA
40-20-18	Failure to exhibit transportation permit upon demand	$54	$120	EHPR
	MOTOR CARRIER OFFENSES			
10-47B-187(16)	Failure to display fuel permit	$104	$170	FULX
32-9	Compensation and ton mileage violations. *See specifically 32-9-6, -7, -14, -23.3, and -23.5.*	$104	$170	*Various*
32-9-3.1 (32-5-49.1)	Operating nonresident harvest vehicle without compensation certificate	$104	$170	HVRT
32-22	General weight, size and load restriction *For penalties now provided by law for such offenses- see last page of schedule.*	$104	$170	*Various*
32-22-48	Crossing bridge with overweight vehicle	$104	$170	BDGP
32-22-52	Overweight vehicles	$104	$170	MXWP
32-33-17	Failure to stop at state weighing station	$104	$170	WGST
49-28-36	No PUC authority (interstate operation)	$104	$170	PCRG
49-28-63	Failure of interstate motor carriers to display PUC numbers (Rule 20:10:02:08)	$104	$170	NCOM
49-28-63	Failure to maintain proper insurance (Rules 20:10:02:02, 20:10:02:03, and 20:10:02:04)	$104	$170	NCOM
49-28-63	Failure to have proper bill of lading. (Rules 20:10:02:21 and 20:10:02:22)	$104	$170	NCOM
49-28-63	Failure to follow leasing requirements (Rules 20:10:02:23 and 20:10:02:24)	$104	$170	NCOM
49-28-66	Refusal to stop and submit to inspection.	$104	$170	FLSP
49-28A-3	Logbook and safety-related equipment violations. *Refer to CFR 49B, chapter IIIB, parts 390 - 3101.*	$104	$170	LOGG

STATUTE	OFFENSE	FINE	TOTAL	CODE

MOTORCYCLE OFFENSES

32-14-9.1	*See Vehicle Traffic Offenses Section*			
32-18-1	Brakes required	$54	$120	BRAK
32-20-2	Operating without driver's license	$54	$120	MCLI
32-20-4	Helmet required-under 18 years of age	$54	$120	HLMT
32-20-6.1	Passenger seat	$54	$120	CYCL
32-20-6.2	Position of motorcyclist	$54	$120	CYPT
32-20-6.3	Carrying package which prohibits driver from keeping both hands on handlebars	$54	$120	CYCA
32-20-6.4	Rider interfering with control or view of operator	$54	$120	CYCB
32-20-6.5	Attachment of driver or cycle to another vehicle	$54	$120	CYCC
32-20-6.6	Carrying loaded or uncased gun	$54	$120	CYCD
32-20-9.2	Cyclist overtaking and passing motor vehicle in same lane	$54	$120	MCPS
32-20-9.3	Operating cycle between adjacent lanes of traffic	$54	$120	CYLN
32-20-9.5	Operating cycle more than two abreast in single traffic lane	$54	$120	CYOP

SNOWMOBILE OFFENSES

32-14-9.1	*See Vehicle Traffic Offenses Section*			
32-20A-2	Operating recklessly or at excessive speed	$54	$120	RKSM
32-20A-2	Operating without required muffler	$54	$120	OPMF
32-20A-3	Operator age restrictions	$54	$120	SNAG
32-20A-5	Improper use on controlled access highway	$54	$120	SNCA
32-20A-5	Operation on railroad right-of-way	$54	$120	OPRR
32-20A-7	Improper operation on or across a roadway	$54	$120	SMRD
32-20A-10	Operating without lights when dark	$54	$120	SNLT
32-20A-15	No snowmobile license	$54	$120	SNLC

STATUTE	OFFENSE	FINE	TOTAL	CODE
32-20A-19	Failure to report snowmobile accident	$54	$120	SNAC
	VEHICLE EQUIPMENT OFFENSES			
32-15-2.4	One-way windows or certain adhesive film on windshield/ side wing vents (35% level)	$54	$120	FILM
32-15-2.5	One-way windows or certain adhesive film on rear window (20% level)	$54	$120	FLMB
32-15-11	Sirens and whistles prohibited	$54	$120	SIRD
32-15-17	Illegal exhaust	$54	$120	MFCP
32-15-18	Dropping, sifting or leaking load	$54	$120	LOAD
32-17-4	Operating vehicle without headlights	$54	$120	LMLT
32-17-5&6	Improper construction/adjustment of headlights	$54	$120	HDLP
32-17-7	Failure to dim headlights	$54	$120	HDDM
32-17-10	Improper use of red/amber rotary light by tow truck	$54	$120	REDP
32-17-16	Clearance and identification lamps required by vehicles transporting passengers for compensation	$54	$120	LIGH
32-17-19	Improper aiming and adjustment of spot lamps	$54	$120	SPOT
32-17-20	Improper adjustment of any lamps other than headlamps or spot lamps	$54	$120	LAMP
32-17-27	Lights on parked vehicles	$54	$120	LTPK
32-17-28	Emergency flares, lights, triangles required	$54	$120	PFLR
32-17-29	Emergency flares/lights/triangles-when to be used	$54	$120	FLAR
32-17-42	Invalid installation or use of blue light by fireperson	$54	$120	BLUP
32-18-1	Brakes required	$54	$120	BRAK
32-19-3	Studded tires in use from May 1 to September 30	$54	$120	STUD
32-19-7	Permitted connection between towing and towed vehicle – Maximum length	$54	$120	TFLG
32-19-9	No safety chains	$54	$120	TOWT

STATUTE	OFFENSE	FINE	TOTAL	CODE
32-19-10	Safety chain slack and coupling	$54	$120	SCHN
32-19-12	Operation with unsafe wheel as misdemeanor	$54	$120	UNWH
32-19-13	Operation with cut or worn tire as misdemeanor	$54	$120	WRTR
	VEHICLE PARKING OFFENSES			
32-30-1	Parking on highway	$31.50	$95	RPRK
32-30-2	Standing or parking, obstructing clear view	$31.50	$95	VHVW
32-30-2.1	Position for parking on two-way road	$31.50	$95	IMPK
32-30-2.2	Position for parking on one-way road	$31.50	$95	PKOW
32-30-11.4	Parking in space reserved for handicapped	$56.50	$120	HDPR
	VEHICLE REGISTRATION OFFENSES			
32-3-12	Operation of vehicle without certificate	$54	$120	TTLE
32-5-2.4	Expired validation sticker	$54	$120	RNRG
32-5-6.3	Overweight on non-commercial license	$54	$120	NNCM
32-5-27	Registration of out-of-state vehicles	$54	$120	OSTG
32-5-98	Operation of vehicle without license plates or license plates conspicuously displayed	$54	$120	XLCP
32-5-103	Substitution of license plates	$54	$120	TFKP
32-10-34	No proper vehicle registration	$54	$120	RQIR
	VEHICLE TRAFFIC OFFENSES			
31-4-14.3	Failure to comply with weather restriction/highway closure	$154	$220	CLHI
31-8-15	Unlawful use of controlled access facilities	$54	$120	HFAC
32-14-9.1	Operation of vehicle (snowmobiles, motorcycles & ATVs) on private land without permission of landowner	$54	$120	OVPL
32-20-9.1	Deprive motorcycle of full use of lane	$54	$120	LNMC

STATUTE	OFFENSE		FINE	TOTAL	CODE
32-21-27	Improperly equipped vehicles on highway		$54	$120	IMVH
32-21-30	Failure to comply with directions of officer		$54	$120	FLCM
32-22-52	Truck overweight violation		$104	$170*	MXWP
32-24-8	Careless driving		$54	$120	SCDR
32-24-9	Exhibition driving		$54	$120	EXHD
32-25-3	Overdriving road conditions		$54	$120	OVRD
32-25-5	Failure to observe minimum speed on interstate highway		$54	$120	MINS
32-25-1.1	Speeding on a state highway other than interstate highway	MPH Over Limit	Fine	Total	SPDS
		1 – 5	$ 19	$85	
32-25-4	Speeding on interstate highway	6 – 10	39	105	SPDI
		11 – 15	59	125	
32-25-7	Speeding on other roadways (includes	16 – 20	79	145	SPDO
	(municipal streets and county roads)	21 - 25	99	165	
		26 and up	154	220	
32-25-19.1	Speeding in a construction zone:	MPH Over Limit	Fine	Total	SPCO
		1 – 5	$ 34	$ 100	
		6 – 10	74	140	
		11 – 15	114	180	
		16 – 20	154	220	
		21 – 25	194	260	
		26 and over	304	370	
32-25-23	Drag racing		$204	$270	RACE
32-26-1	Driving on wrong side of road		$54	$120	WRNS
32-26-3	Failure to yield one-half of roadway		$54	$120	YLDF
32-26-6	Illegal lane changing		$54	$120	LNCH

* Note: A magistrate court with a clerk magistrate presiding has concurrent jurisdiction to accept an overweight truck civil penalty imposed pursuant to SDCL 32-22-55 only if the civil penalty is paid in full as part of a guilty plea. If the driver cannot pay the penalty in full as part of the guilty plea, the clerk must contact the magistrate or circuit court judge to set the bond.

32-26-9	Illegal barrier or median crossing	$54	$120	MEDN

STATUTE	OFFENSE	FINE	TOTAL	CODE
32-26-10	Illegal entry to, or exit from, controlled-access highways	$54	$120	ACSS
32-26-13 to 16	Violation of right of way	$54	$120	*Various*
32-26-17 to 20	Illegal turning	$54	$120	*Various*
32-26-22.1	Failure or improper use of signals	$54	$120	SLGL
32-26-23	Improper arm, mechanical or electrical signals	$54	$120	SIGL
32-26-25	Illegal U-turn	$54	$120	UTRN
32-26-26	Illegal following, overtaking and passing	$54	$120	OVTV
32-26-36	Passing in an intersection	$54	$120	DLFT
32-26-37	Passing in no passing zone	$54	$120	NOPS
32-26-40	Following too closely	$54	$120	FOLW
32-27-7	Failure to yield to pedestrian with white cane or guide dog	$54	$120	STCN
32-28-6	Failure to comply with flashing yellow or red signal	$54	$120	RDLT
32-28-10	Failure to obey traffic control device (red light)	$54	$120	DRPL
32-29	Traffic sign or signal violation	$54	$120	*Various*
32-29-2.1	Failure to stop at stop sign	$54	$120	STOP
32-29-3	Failure to yield at yield sign	$54	$120	YILD
32-29-4	Failure to stop for railway crossing signal or sign	$54	$120	RRST
32-29-5	Failure to observe railroad crossing stop	$54	$120	RRCR
32-30-20	Unsafe backing	$54	$120	BACK
32-30-21	Backing on controlled access highway	$54	$120	SHDR
32-31-6.1	Move over law	$54	$120	STVH
32-32-6	Failure to stop for school patrol or school bus while loading or unloading	$54	$120	FSTB
32-33-2	Failure to appear for court hearing	$54	$120	PRMP

STATUTE	OFFENSE	FINE	TOTAL	CODE
32-34-3.1	Failure to report accident to police authority when persons entitled to information disabled	$54	$120	IMRP
32-34-4	Failure to stop & report after accident with unattended vehicle	$54	$120	STAC
32-34-7	Failure to immediately report accident, minor damage, etc.	$204	$270	ARPT
32-34-9	Failure of occupant to report accident when driver unable to do so	$54	$120	REPT
34-35-8	Throwing match or burning object from vehicle	$104	$170	MTCH
34A-7-7	Littering from motor vehicle *Note: Additional fine can be assessed under 34A-7-17*	$104	$170	LTTR

GAME, FISH AND PARKS VIOLATIONS

BOATING/PUBLIC WATER OFFENSES

32-3A-3	Operating boat without valid license or numbers	$54	$120	BTNU
32-3A-5	Improper display of boat numbers	$54	$120	DSNU
42-8-1.4	Violation of water restriction imposed by Governor/designee	$54	$120	VWAR
42-8-41	Misc. other boat safety equipment	$54	$120	LFPR
42-8-48	Water-skiing after hours	$54	$120	WSKI
42-8-49	Water-skiing without observer or mirror	$54	$120	MIRO
42-8-58	Failure to report accident	$204	$270	RPRT
42-8-69	Boat operator under age of 12 w/o responsible adult	$54	$120	BUND
42-8-102	Unsafe operation of personal watercraft by:			
	a) not wearing a PFD (lifejacket)	$54	$120	BTLF
	b) not using lights as is required by boat	$54	$120	BTRE
	c) not keeping no-wake requirements within 150' of swimmers/docks/non-motorized boats	$54	$120	BTWK
	d) allowing underage operator (under age 14) to operate personal watercraft	$54	$120	BTOP
	e) not using engine cutoff lanyard as required	$54	$120	BECO
41:04:01:07	Unauthorized/improper buoy placement	$54	$120	BTBU
41:04:01:09	Operating boat in violation of posted waters	$50	$110	MBWA
	a) Boat in zoned swim area	$50	$110	BTSZ
	b) Boat under power in zoned swim area	$100	$160	BTSA
	c) Boat under power-zoned swim area w/swimmer present	$150	$210	BTSM

STATUTE	OFFENSE	FINE	TOTAL	CODE
41:04:01:10	Person in water within 50' of public boat ramp unless loading/unloading boat	$50	$110	RAMP
41:04:05:02	Insufficient number of personal flotation devices (PFDs)	$50	$110	BPFL
41:04:05:02(1)	PFD use required (child under 7 years of age/hybrid)	$50	$110	LFCH
41:04:05:02(2)	No throwable lifesaving device	$50	$110	TRLP
41:04:05:03	No fire extinguisher	$50	$110	BEXT
41:04:05:14	Careless operation	$50	$110	BSPE
41:04:05:18	Operating motorboat without lights	$50	$110	LITB

Fishing Offenses

34A-8-9	Take/transport/possess threatened or endangered fish	$204	$270	THFS
41-1-4	Wanton waste of fish	$79	$145	WAST
41-2-18	Fishing during closed season	$54	$120*	FCLS
41-6-7	Unlawful entry onto boundary waters from South Dakota	$104	$170	ULEN
41-6-52	Residency requirements	$104	$170	RESD
41-6-63	Failure to exhibit license	$29	$95	HNTL
41-6-76	Fishing without license - resident	$54	$120*	RSLC
41-6-77	Fishing without license - non-resident	$104	$170*	NSLC
41-9-1	Trespass to fish (unknowing)	$79	$145	*Various*
41-9-1	Trespass to fish (knowing)	$154	$220*	*Various*
41-12-3	Violate ice-fishing structure regulations	$29	$95	ICEH
41-12-6	Too many lines, each	$25 ea	$66 costs	LINS
41-12-7	Unattended lines (each)	$25 ea	$66 costs	ATND

** Fishing privileges revoked.*
*** Hunting privileges revoked.*
**** Trapping privileges revoked.*

41-12-8	Prohibited bait	$29	$95	PRBA

STATUTE	OFFENSE	FINE	TOTAL	CODE
41-12-12	Illegal fishing method (dip nets, snagging)	$104	$170*	QPMT
41-14-4	Unlawful public storage of fish *(not for each fish)* [Packages not marked by owner]	$29	$95	STOF
41-14-32	Over limit of fish / unlawful possession:			
	a. Game fish with a limit of more than 25 or more	$5 ea	$66 costs	FSHO
	b. Paddlefish	$250 ea	$66* costs	FSPD
	c. Other species of fish			
	1 to 3 over limit	$30 ea	$66 costs	FSSP
	4 to 6 over limit	$50 ea	$66* costs	FSXP
	7 or more over limit	Court appearance req'd*		
41:07:01:03	Unlawful possession of minnows or baitfish	$25	$85	UPMB
41:07:01:05	Fishing in Restricted Area	$50	$110	FISR
41:07:01:07	Unlawful transportation / public storage of frozen fish *[more than two filets per package]*	$25	$85	FIST
41:07:01:14	Highgrading of fish prohibited	$25	$85	HGFP
41:07:03:03	Fish length violation (each)	$25 ea	$60 costs	UNLG
41:07:03:03	Possession of organic bait	$25	$85	ORBA
41:07:03:03	Failure to retain walleye taken through ice on Lower Francis Case	$25	$85	RWAL
41:07:03:05	Unlawful possession of fish on the water	$25	$85	ANGL
41:07:05:02 thru :05	Paddlefish regulations	$100	$160	PADL
41:07:06:03	Game fish spearing/archery fishing permit required	$4	$64	SPAR
41:07:06:08	Diver-down flag required for underwater spearfishing	$25	$85	DFLA
41:09:04:03 thru: 06	Bait trapping regulations	$50	$110	Various

** Fishing privileges revoked.*
*** Hunting privileges revoked.*
**** Trapping privileges revoked*

STATUTE	OFFENSE	FINE	TOTAL	CODE

FURBEARER OFFENSES

41-6-23	Trapping bobcat without license - resident	$404	$470***	TRBC
41-6-23	Nonresident	$504	$570***	TBCN
41-6-23	Trapping other furbearer without a license - resident	$154	$220***	TRLC
41-6-23	Nonresident	$304	$370***	TRLN
41-6-23	Hunting bobcat without license - resident	$404	$470**	HUBC
41-6-23	Nonresident	$504	$570**	HBCN
41-6-23	Hunting other furbearer without license - resident	$154	$220**	HRLC
41-6-23	Nonresident	$304	$370**	HFLN
41-8-19	Hunting bobcat during closed season - resident	$404	$470**	HTCL
41-8-19	Nonresident	$504	$570**	HBNR
41-8-19	Hunting other furbearer during closed season - resident	$154	$220**	RBCL
41-8-19	Nonresident	$304	$370**	HFBN
41-8-19	Trapping bobcat during closed season - resident	$404	$470***	TBCL
41-8-19	Nonresident	$504	$570***	TBNR
41-8-19	Trapping other furbearer during closed season - resident	$154	$220***	RBCL
41-8-19	Nonresident	$304	$370***	TFNR
41-8-21	Possession of unchecked raw furs	$79	$145	RFUR
41-8-24	Prohibited method of taking mink/muskrat/beaver	$79	$145	HTMT
41-9-1	Trespass to trap (unknowing)	$79	$145	*Various*
41-9-1	Trespass to trap (knowing)	$154	$220***	*Various*
41-9-1.1	Trapping road right of way within 660 feet of occupied dwelling.	$79	$145	H660
41:08:01:08.01	Failure to register bobcat within 5 days	$100	$160	BCTR
41:08:02:01 thru :11	Prohibited trapping methods	$75	$135	PTRP
41:08:02:12	Possession of wild animal/Failure to notify department	$75	$135	PSAN
41:08:02:13	Failure to render trap inoperable	$75	$135	TRPI

SHOOTING PRESERVES

41:09:01:02	Insufficient release of birds	$200	$260	RELB
41:09:01:02.01	Failure to notify of release of birds	$200	$260	NREL

** *Hunting privileges revoked.*
*** *Trapping privileges revoked.*

STATUTE	OFFENSE	FINE	TOTAL	CODE
41:09:01:04	Failure to tag birds	$200	$260	TGBD
41:09:01:05.01	Records violation	$200	$260	RERQ

HUNTING OFFENSES

32-20-6.6	Carrying uncased gun on motorcycle or ATV	$54	$120	CYCD
32-20A-11	Carrying uncased gun on snowmobile	$54	$120	SNWG
32-20A-12	Hunting from snowmobile	$79	$145	HTSN
34A-8-9	Take / transport / possess threatened or endangered wild animals	$204	$270	THSP
41-1-4	Wanton waste of game	$79	$145	WAST
41-6-7	Unlawful entry onto boundary waters from SD	$104	$170	ULEN
41-6-13	Minor hunting without adult supervision	$14	$80	HNAD
41-6-16	Hunting without state migratory bird certification	$4	$70	WTFW
41-6-16	Hunting small game/waterfowl without license, resident	$104	$170**	HTLC
41-6-17	Small game, no license, non-resident	$204	$270**	SGLC
41-6-18.1	Waterfowl, no license, non-resident	$204	$270**	NRST
41-6-27	Hunting turkey, no license, resident	$104	$170**	TWLR
41-6-27	Exceed turkey limit, resident:			
	1 bird over limit	$104	$170**	ELTR
	2-3 birds over limit	$150 ea	$66 costs**	XLTR
	4 or more over limit	Court appearance req'd**		
41-6-28	Hunting turkey, no license, non-resident	$154	$220**	TWLN
41-6-28	Exceed limit, non-resident:			
	1 turkey over limit	$104	$170**	ELTN
	2-3 birds over limit	$150 ea	$66 costs**	XLTN
	4 or more over limit	Court appearance req'd**		

** *Hunting privileges revoked.*

41-6-30	Unprotected game, no license, non-resident	$54	$120**	UNGM

STATUTE	OFFENSE	FINE	TOTAL	CODE
41-6-33	No taxidermy license (or records violations)	$104	$170	TXDR
41-6-52	Residency requirements	$104	$170	RESD
41-6-63	Failure to exhibit license	$29	$95	HNTL
41-6-74.3	Failure to surrender license	$54	$120	LCSU
41-6-78	Dog training violation	$54	$120	DGTG
41-6-80	Unprotected game, no license, resident	$29	$95**	NLCG
41-8-16	Use of salt to attract big game	$104	$170	SALT
41-8-17	Artificial light/night vision, landowner/occupant/guest	$54	$120	LIGT
41-8-17	Artificial light/night vision	$204	$270**	ALGT
41-8-17.1	Unlawful use of artificial light except headlights (10 p.m. to sunrise / Sept. 1 - Jan. 31)	$54	$120	SPLT
41-8-32.1	Hunting doves within 50 yards of highway	$29	$95	HTDV
41-8-37	Shooting from motor vehicle	$129	$195**	HNTV
41-8-41	Florescent orange clothing required	$29	$95	HTOR
41-9-1	Unknowing trespass, resident	$79	$145	UTRS
41-9-1	Unknowing trespass, nonresident	$79	$145	UTRP
41-9-1	Knowing trespass, resident	$204	$270**	TRSP
41-9-1	Knowing trespass, non resident	$204	$270**	TRSN
41-9-1.1	Hunting road right-of-way within 660 feet of posted dwelling	$79	$145 **	P660
41-9-1.1	Hunting road right-of-way within 660 feet of dwelling/livestock, non-posted	$79	$145	H660
41-9-1.2	Shooting at big game from road	$129	$195**	BGRW
41-9-1.5	Misc. road right-of-way hunting restrictions (small game)	$29	$95	RWRD

** *Hunting privileges revoked.*

41-11-4	Hunting small game birds/waterfowl before or after legal hours:			
	a) less than 15 minutes	$29	$95	HOUR
	b) 15 minutes to 30 minutes	$54	$120	HOLT

STATUTE	OFFENSE	FINE	TOTAL	CODE
	c) Over 30 minutes	$104	$170	HOLH
41-11-4	Hunting small game birds/waterfowl during closed season, resident	$154	$220**	CLSD
41-11-4	Nonresident	$154	$220**	CLSN
41-11-4	Exceeding legal limit - small game birds / waterfowl:			
	1 to 3 over limit $50 ea $66 costs	LIMS		
	4 to 6 over limit	$75 ea	$66 costs**	LIMX
	7 or more over limit	Court appearance req'd**		
41-14-1	Possess protected bird or small game	$54	$120	TKGM
41-14-4	Unlawful public storage of game *(not for each bird)* [Packages not marked by owner]	$29	$95	UNTG
41-14-32	Unlawful take, transportation or possession of small game	$79	$145	DTAG
41:05:01:02 thru :05	Hunting within a waterfowl, state game or federal refuge	$50	$110	RFUG
41:06:01:02	Ineligible application for big game license	$50	$110	NGBL
41:06:02:01	Hunting in wrong unit/violate conditions of license	$50	$110	UNIT
41:06:03:01	Improper tagging of game	$75	$135	ITGA
41:06:03:02	Game bird transportation/packaging requirements	$25	$85	CARY
41:06:03:06	Big game transportation requirements	$25	$85	NOHH
41:06:03:11	Wildlife processing facility records violations	$25	$85	WLRV
41:06:04:01	Disturbing wildlife prohibited	$75	$135	DISW
41:06:04:02	Hunting game animals in party exceeding 20	$25	$85	GRLT
41:06:04:03	Big game methods prohibited	$100	$160	BGMT
41:06:04:04	Hunter accompanied by armed unlicensed person	$25	$85	ULAC

** *Hunting privileges revoked.*

41:06:04:05	Hunting without signed Federal Migratory Bird Stamp	$25	$85	MBRD
41:06:04:05	Lead shot in a steel shot zone while hunting waterfowl	$25	$85	LEDS

STATUTE	OFFENSE	FINE	TOTAL	CODE
41:06:04:05	Unplugged shotgun for waterfowl *(3-shell maximum)*	$25	$85	PLUG
41:06:04:05.01	Lead shot while hunting small game on certain public lands	$25	$85	NTXS
41:06:04:06	Use of vehicle/boat to disturb or chase game	$100	$160	MVGM
41:06:04:07	Protrusion of firearms from vehicle on highway	$50	$110	GGUN
41:06:04:08	Use of two-way radio in vehicle while hunting	$50	$110	HRDO
41:06:04:12	Hunting game birds with unlawful firearm	$50	$110	HTBR
41:06:34:03	Exceeding legal limit - cottontail rabbit, each	$25 ea	$60 costs	CRHT
41:06:35:03	Exceeding legal limit - tree squirrel, each	$25 ea	$60 costs	TSHT
41:06:40:05	Shooting doves not in flight	$25	$85	DOVE
41:06:61:06	Mountain lion license/season restriction	$50	$110	LION

PARK AND RECREATION AREA VIOLATIONS

34-37-11	Setting off fireworks on state land	$54	$120	FWPK
34A-7-6	Littering public or private lands or waters	$104	$170	WLTR
34A-7-7	Littering from motor vehicle (also moving traffic violation for record)	$104	$170	LTTR
41:03	Miscellaneous unlisted park violations	$50	$110	*Various*
41:03:01:01	Unauthorized land use - curfew	$50	$110	CURF
41:03:01:11	Loudspeakers prohibited, disturbance prohibited (hours 11 PM and 6 AM, state parks, nature areas, lakeside use areas, and recreation areas only)	$50	$110	SPEK
41:03:01:25	Jumping/diving prohibited	$50	$110	JMDV
41:03:02:02	Exceeding posted speed limit in state park or recreation area	$25	$85	SPPK
41:03:02:05	Exhibition driving	$50	$110	PKEX
41:03:02:09 thru :11	Failure to obey traffic signs in park or recreation area	$25	$85	PDRI
41:03:03:03	No park license	$50	$110	PRKS

STATUTE	OFFENSE	FINE	TOTAL	CODE
41:03:04:02	No camping permit	$25	$85	PRMT
41:03:05:01	Failure to pay Mickelson Trail fee	$25	$85	TRAL

PUBLIC LAND VIOLATIONS

5-4-15	Unauthorized fires	$54	$120	STFR
34-35-16	Starting fire within Black Hills Fire Protection District without permit	$54	$120	FBHF
41:03:01:01	Unauthorized land use on posted GFP property	$50	$110	UAUT
41:03:01:02	Leaving property on GFP lands	$50	$110	PRDT
41:03:01:05	Destruction/removal of natural features	$50	$110	DSPR
41:03:01:16.02	Restrictions on use of firearms	$50	$110	FRBW
41:03:01:16.04	Lead shot target shooting on public lands	$25	$85	LSTG
41:03:01:19	Tree stand violations	$25	$85	GTRE
41:03:01:23	Placing residential trash at GFP trash facilities	$75	$135	GTSH
41:03:01:29	Prohibited use of metal detector	$50	$110	MTDT

VEHICLE OFFENSES ON PUBLIC LAND - OFF ROADS

41-9-10	Operating vehicles on school and public lands	$54	$120	OVSC
41-17-27	Operating motor vehicles on Mickelson Trail	$54	$120	MCTR
41:03:02:01	Operating vehicles off roads on land owned, leased or controlled by the Dept. of Game, Fish & Parks	$50	$110	DVRD

Law enforcement officers and clerk magistrates are reminded that a defendant is required to appear before a magistrate judge if the defendant is charged with a violation of a Class 2 misdemeanor that is not included on this schedule. Also, all Class 2 misdemeanor state traffic offenses (SDCL title 32) not included on this schedule for which citations are issued must be supported by an SDCL code that clearly states the violation is a Class 2 misdemeanor.

Law enforcement officers are advised that, according to SDCL 32-12-52.3 and 32-12-52.4, when any of the following violations are charged and the defendant was in a motor vehicle (whether driving or as a passenger) at the time of the alleged offense, the officer must note on the citation that the offense occurred while the accused was in a motor vehicle, and specify whether the accused was a driver or a passenger. The offenses involved include SDCL 35-9-2 (underage purchase, possession, consumption of alcoholic beverages); SDCL 22-42-5 through -11; and 22-42A-3 or 22-42A-4, which include a variety of drug charges.

Fines and appearances required for violation of municipal/county ordinances shall be the same as those required for violation of similar state statutes. For other traffic offenses not covered by ordinance, the fines are the same as the state schedule.

Any officer has the authority to require a violator to appear before a magistrate judge.

This order of schedules becomes effective July 1, 2013, and shall continue in effect until further Order of the Court.

Dated at S Falls, South Dakota, this 28 day of June, 2013.

BY THE COURT:

Lawrence E. Long
Presiding Circuit Judge

ATTEST:

Clerk of Court

GUIDELINES FOR TRUCK OVERWEIGHT OFFENSES

Note: A magistrate court with a clerk magistrate presiding has concurrent jurisdiction to accept an overweight truck civil penalty imposed pursuant to SDCL 32-22-55 only if the civil penalty is paid in full as part of a guilty plea. If the driver cannot pay the penalty in full as part of the guilty plea, the clerk must contact the magistrate or circuit court judge to set the bond.

The overweight violation cited under § 32-22-52 is a Class 2 misdemeanor, the penalty for which is a $104 fine, 30 days in jail, or both.

An additional cash penalty, *not subject to suspension*, shall be assessed on the total overweight at one of the rates set forth below (§ 32-22-55):

1) For one thousand to three thousand pounds total overweight, the additional penalty is five cents per pound on all overweight exceeding one thousand pounds.

2) From three thousand-one pounds, up to and including four thousand pounds total overweight, the additional penalty is fifteen cents per pound on the total overweight.

3) From four thousand-one pounds, up to and including five thousand pounds total overweight, the additional penalty is twenty-two and one-half cents per pound on the total overweight.

4) For total overweight of five thousand-one pounds, up to and including ten thousand pounds total overweight, the additional penalty is thirty-seven and one-half cents per pound on the total overweight.

5) For total overweight of ten thousand-one pounds and over, the additional penalty is seventy-five cents per pound on the total overweight.

To the above-determined amount of fine and additional cash penalty, liquidated costs and surcharges in the amount of $66 should be added. A circuit judge may waive any or all of this $66 amount.

Any portion of the fine (or $66 liquidated costs and surcharges) that is suspended shall be deducted from the above computation. No part of the cash penalty can be suspended.

FY14 FINE AND BOND SCHEDULE ADDENDUM (effective 7/1/13)

STATUTE/RULE	FINE	TOTAL
5-4-15	$54	$120
10-47B-187(16)	$104	$170
22-42A-3	SEE SCHEDULE	
31-4-14.3	$154	$220
31-8-15	$54	$120
32-3-12	$54	$120
32-3A-3	$54	$120
32-3A-5	$54	$120
32-5-2.4	$54	$120
32-5-6.3	$54	$120
32-5-27	$54	$120
32-5-98	$54	$120
32-5-103	$54	$120
32-9	$104	$170
32-9-3.1 (32-5-49.1)	$104	$170
32-10-34	$54	$120
32-12-22	$54	$120
32-12-65(2)	$204	$270
32-12-65(3)	$104	$170
32-12-72	$54	$120
32-12-74	$54	$120
32-12A-6	$104	$170
32-12A-44	$254	$320
32-14-9.1	$54	$120
32-15-2.4	$54	$120
32-15-2.5	$54	$120
32-15-11	$54	$120
32-15-17	$54	$120
32-15-18	$54	$120
32-17-4	$54	$120
32-17-5&6	$54	$120
32-17-7	$54	$120
32-17-10	$54	$120
32-17-16	$54	$120
32-17-19	$54	$120
32-17-20	$54	$120
32-17-27	$54	$120
32-17-28	$54	$120
32-17-29	$54	$120
32-17-42	$54	$120

STATUTE/RULE	FINE	TOTAL
32-18-1	$54	$120
32-19-3	$54	$120
32-19-7	$54	$120
32-19-9	$54	$120
32-19-10	$54	$120
32-19-12	$54	$120
32-19-13	$54	$120
32-20-2	$54	$120
32-20-4	$54	$120
32-20-6.1	$54	$120
32-20-6.2	$54	$120
32-20-6.3	$54	$120
32-20-6.4	$54	$120
32-20-6.5	$54	$120
32-20-6.6	$54	$120
32-20-9.1	$54	$120
32-20-9.2	$54	$120
32-20-9.3	$54	$120
32-20-9.5	$54	$120
32-20A-2	$54	$120
32-20A-3	$54	$120
32-20A-5	$54	$120
32-20A-7	$54	$120
32-20A-10	$54	$120
32-20A-11	$54	$120
32-20A-12	$79	$145
32-20A-15	$54	$120
32-20A-19	$54	$120
32-21-27	$54	$120
32-21-30	$54	$120
32-22	$104	$170
32-22-48	$104	$170
32-22-52	$104	$170
32-24-8	$54	$120
32-24-9	$54	$120
32-25-1.1	SEE SCHEDULE	
32-25-3	$54	$120
32-25-4	SEE SCHEDULE	
32-25-5	$54	$120
32-25-7	SEE SCHEDULE	
32-25-19.1	SEE SCHEDULE	
32-25-23	$204	$270
32-26-1	$54	$120
STATUTE/RULE	**FINE**	**TOTAL**

* Fishing privileges revoked

** Hunting privileges revoked

*** Trapping privileges revoked

32-26-3	$54	$120
32-26-6	$54	$120
32-26-9	$54	$120
32-26-10	$54	$120
32-26-13 to 16	$54	$120
32-26-17 to 20	$54	$120
32-26-22.1	$54	$120
32-26-23	$54	$120
32-26-25	$54	$120
32-26-26	$54	$120
32-26-36	$54	$120
32-26-37	$54	$120
32-26-40	$54	$120
32-27-7	$54	$120
32-28-6	$54	$120
32-28-10	$54	$120
32-29	$54	$120
32-29-2.1	$54	$120
32-29-3	$54	$120
32-29-4	$54	$120
32-29-5	$54	$120
32-30-1	$31.50	$95
32-30-2	$31.50	$95
32-30-2.1	$31.50	$95
32-30-2.2	$31.50	$95
32-30-11.4	$56.50	$120
32-30-20	$54	$120
32-30-21	$54	$120
32-31-6	$54	$120
32-31-6.1	$54	$120
32-31-7	$29	$95
32-31-8	$29	$95
32-32-6	$54	$120
32-33-2	$54	$120
32-33-17	$104	$170
32-34-3.1	$54	$120
32-34-4	$54	$120
32-34-7	$204	$270
32-34-9	$54	$120
34-35-8	$104	$170
32¬35 110	$204	$270
34-35-16	$54	$120
34-37-11	$54	$120
34-46-2	$29	$95
34A-7-6	$104	$170
STATUTE/RULE	**FINE**	**TOTAL**

* Fishing privileges revoked

** Hunting privileges revoked

*** Trapping privileges revoked

34A-7-7	$104	$170
34A-8-9	$204	$270
35-1-5.3	$54	$120
35-1-9.1	$54	$120
35-9-1.1	SEE SCHEDULE	
35-9-2	SEE SCHEDULE	
40-20-10	$54	$120
40-20-18	$54	$120
41-1-4	$79	$145
41-2-18	$54	$120*
41-6-7	$104	$170
41-6-13	$14	$80
41-6-16	SEE SCHEDULE	
41-6-17	$204	$270 **
41-6-18.1	$204	$270 **
41-6-23	SEE SCHEDULE	
41-6-27	SEE SCHEDULE	
41-6-28	SEE SCHEDULE	
41-6-30	$54	$120**
41-6-33	$104	$170
41-6-52	$104	$170
41-6-63	SEE SCHEDULE	
41-6-74.3	$54	$120
41-6-76	$54	$120*
41-6-77	$104	$170*
41-6-78	$54	$120
41-6-80	$29	$95 **
41-8-16	$104	$170
41-8-17	SEE SCHEDULE	
41-8-17.1	$54	$120
41-8-19	SEE SCHEDULE	
41-8-21	$79	$145
41-8-24	$79	$145
41-8-32.1	$29	$95
41-8-37	$129	$195**
41-8-41	$29	$95
41-9-1	SEE SCHEDULE	
41-9-1.1	SEE SCHEDULE	
41-9-1.2	$129	$195 **
41-9-1.5	$29	$95
41-9-10	$54	$120
41-11-4	SEE SCHEDULE	
41-12-3	$29	$95
41-12-6	$25 ea	$66 costs
41-12-7	$25 ea	$66 costs
41-12-8	$29	$95
41-12-12	$104	$170*
STATUTE/RULE	**FINE**	**TOTAL**
41-14-1	$54	$120

* Fishing privileges revoked

** Hunting privileges revoked

*** Trapping privileges revoked

41-14-4	SEE SCHEDULE	
41-14-32	SEE SCHEDULE	
41-17-27	$54	$120
41-8-32.1	$29	$95
42-8-1.4	$54	$120
42-8-41	$54	$120
42-8-48	$54	$120
42-8-49	$54	$120
42-8-58	$204	$270
42-8-69	$54	$120
42-8-102	$54	$120
49-28-36	$104	$170
49-28-63	$104	$170
49-28-66	$104	$170
49-28A-3	$104	$170
41:03	$50	$110
41:03:01:01	$50	$110
41:03:01:02	$50	$110
41:03:01:05	$50	$110
41:03:01:11	$50	$110
41:03:01:16.02	$50	$110
41:03:01:16.04	$25	$85
41:03:01:19	$25	$85
41:03:01:23	$75	$135
41:03:01:25	$50	$110
41:03:01:29	$50	$110
41:03:02:01	$50	$110
41:03:02:02	$25	$85
41:03:02:05	$50	$110
41:03:02:09 thru :11	$25	$85
41:03:03:03	$50	$110
41:03:04:02	$25	$85
41:03:05:01	$25	$85
41:04:01:07	$54	$120
41:04:01:09	$50	$110
a	$50	$110
b	$100	$160
c	$150	$210
41:04:01:10	$50	$110
41:04:05:02	$50	$110
41:04:05:02(1)	$50	$110
41:04:05:02(2)	$50	$110
41:04:05:03	$50	$110
41:04:05:14	$50	$110
41:04:05:18	$50	$110
STATUTE/RULE	**FINE**	**TOTAL**
41:05:01:02 thru :05	$50	$110

* Fishing privileges revoked

** Hunting privileges revoked

*** Trapping privileges revoked

41:06:01:02	$50	$110
41:06:02:01	$50	$110
41:06:03:01	$75	$135
41:06:03:02	$25	$85
41:06:03:06	$25	$85
41:06:03:11	$25	$85
41:06:04:01	$75	$135
41:06:04:02	$25	$85
41:06:04:03	$100	$160
41:06:04:04	$25	$85
41:06:04:05	$25	$85
41:06:04:05.01	$25	$85
41:06:04:06	$100	$160
41:06:04:07	$50	$110
41:06:04:08	$50	$110
41:06:04:12	$50	$110
41:06:34:03	$25 ea	$60 costs
41:06:35:03	$25 ea	$60 costs
41:06:40:05	$25	$85
41:06:61:06	$50	$110
41:07:01:03	$25	$85
41:07:01:05	$50	$110
41:07:01:07	$25	$85
41:07:01:14	$25	$85
41:07:03:03	SEE SCHEDULE	
41:07:03:05	$25	$85
41:07:05:02 thru :05	$100	$160
41:07:06:03	$4	$64
41:07:06:08	$25	$85
41:08:01:08.01	$100	$160
41:08:02:01 thru :11	$75	$135
41:08:02:12	$75	$135
41:08:02:13	$75	$135
41:09:01:02	$200	$260
41:09:01:02.01	$200	$260
41:09:01:04	$200	$260
41:09:01:05.01	$200	$260
41:09:04:03 thru :06	$50	$110

* Fishing privileges revoked

** Hunting privileges revoked

*** Trapping privileges revoked