

**FY19 FINE AND BOND SCHEDULE FOR USE BY CLERK
MAGISTRATES**

Effective July 1, 2018

IN CIRCUIT COURT

_____ 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 _____ 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 - \$1,000 to \$10,000
3. Grand theft - \$1,000 to \$10,000
4. Burglary - \$1,000 to \$10,000
5. Bad checks - \$1,000 to \$5,000
6. DUI (third & subsequent offenses) - \$1,000 to \$5,000
7. Robbery - \$1,000 to \$25,000
8. Sexual contact - \$1,000 to \$10,000
9. Rape - \$1,000 to \$25,000
10. Forgery - \$1,000 to \$5,000
11. All other felonies - \$1,000 to \$10,000

CLASS 1 MISDEMEANORS AND ORDINANCES

Guidelines to go by for your local usage.

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 \$68.50 costs and/or 30-day sentence maximum)

PETTY OFFENSES

(\$25 judgment or \$100 judgment for violation of SDCL 32-26-47, 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 under State law 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 -- \$68.50 [\$40 for liquidated costs (§ 23-3-52) and \$28.50 for surcharges (§ 16-2-41 and § 23A-28B-42)]; or
- 2) For a violation of an administrative rule or ordinance -- \$62.50 [\$40 for liquidated costs (§ 23-3-52) and \$22.50 for surcharges (§ 16-2-41 and § 23A-28B-42)]

The judgment amount for all petty offenses is \$25 or \$100 (SDCL 23-1A-22). If the petty offense involves a violation of SDCL 32-26-47 (texting while driving), the amount is \$100. The amount for all other petty offenses is \$25. 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 |
|---|--|---------------------------------------|--------------------------------------|--|
| <u>ALCOHOL AND DRUG OFFENSES</u> | | | | |
| 22-42A-3 | Possession of drug paraphernalia | \$204 | \$272.50 | DGPH |
| 32-12A-44 | Commercial driving under the influence | \$254 | \$322.50 | DWCV |
| 34-46-2 | Underage purchase of cigarettes <i>Note: Penalty is cited under §34-46-5.</i> | \$29 | \$97.50 | Various |
| 35-1-5.3 | Drinking/mixing alcoholic beverage in a public place | \$54 | \$122.50 | BTTL |
| 35-1-9.1 | Open alcoholic beverage container in motor vehicle | \$54 | \$122.50 | OPEN |
| <u>DRIVER LICENSE OFFENSES</u> | | | | |
| 32-12-22 | No valid driver's license | \$54 | \$122.50 | NDLC |
| 32-12-65(2) (32-35-110) | Driving while license suspended | \$204 | \$272.50 | DRRV SSPN |
| 32-12-65(3) | Driving while license canceled | \$104 | \$172.50 | CANL |
| 32-12-72 | Allow unauthorized person to use motor vehicle | \$54 | \$122.50 | AUPV |
| 32-12-74 | Violation of license restriction | \$54 | \$122.50 | UVRL |
| 32-12A-6 | No commercial driver's license | \$104 | \$172.50 | CMDI |
| <u>EMERGENCY VEHICLE OFFENSES</u> | | | | |
| 32-31-6 | Failure to pull to edge of curb on proper audible signal of emergency vehicle | \$54 | \$122.50 | MRGC |
| 32-31-7 | Following fire apparatus | \$29 | \$97.50 | ALRM |
| 32-31-8 | Driving over fire hose | \$29 | \$97.50 | HOSE |
| <u>LIVESTOCK TRANSPORTATION OFFENSES</u> | | | | |
| 40-20-18 | Failure to exhibit transportation permit upon demand | <u>Head</u> 1-5 head 6 and over | \$54 \$10/hd \$128.50-\$568.50 | EHPR ETPD (Fine not to exceed \$500) |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|--------------------------------------|---|-------|----------|---------|
| <u>MOTOR CARRIER OFFENSES</u> | | | | |
| 10-47B-187(15) | Failure to display fuel permit | \$104 | \$172.50 | FUEL |
| 32-9 | Compensation and ton mileage violations <i>See specifically 32-9-6, -7, -14, -23.3, and -23.5.</i> | \$104 | \$172.50 | Various |
| 32-9-3.1 (32-5-49.1) | Operating nonresident harvest vehicle without compensation certificate | \$104 | \$172.50 | HVRT |
| 32-22 | General weight, size and load restriction <i>For penalties now provided by law for such offenses- see last page of schedule.</i> | \$104 | \$172.50 | Various |
| 32-22-48 | Crossing bridge with overweight vehicle | \$104 | \$172.50 | BDGP |
| 32-22-52 | Overweight vehicles | \$104 | \$172.50 | MXWP |
| 32-33-17 | Failure to stop at state weighing station | \$104 | \$172.50 | WGST |
| 49-28-63 | Failure To Comply | \$104 | \$172.50 | NCOM |
| 49-28-66 | Refusal to stop and submit to inspection | \$104 | \$172.50 | FLSP |
| 49-28A-3 | Logbook and safety-related equipment violations <i>Refer to CFR 49B, chapter IIIB, parts 390 - 3101.</i> | \$104 | \$172.50 | LOGG |

MOTORCYCLE OFFENSES

| | | | | |
|-----------|--|------|----------|------|
| 32-14-9.1 | <i>See Vehicle Traffic Offenses Section</i> | | | |
| 32-18-1 | Brakes required | \$54 | \$122.50 | BRAK |
| 32-20-2 | Operating without driver's license | \$54 | \$122.50 | MCLI |
| 32-20-4 | Helmet required-under 18 years of age | \$54 | \$122.50 | HLMT |
| 32-20-6.1 | Passenger seat | \$54 | \$122.50 | CYCL |
| 32-20-6.2 | Position of motorcyclist | \$54 | \$122.50 | CYPT |
| 32-20-6.3 | Carrying package which prohibits driver from keeping both hands on handlebars | \$54 | \$122.50 | CYCA |
| 32-20-6.4 | Rider interfering with control or view of operator | \$54 | \$122.50 | CYCB |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|----------------|--|-------------|--------------|-------------|
| 32-20-6.5 | Attachment of driver or cycle to another vehicle | \$54 | \$122.50 | CYCC |
| 32-20-6.6 | Carrying loaded or uncased gun | \$54 | \$122.50 | CYCD |
| 32-20-9.2 | Cyclist overtaking and passing motor vehicle in same lane | \$54 | \$122.50 | MCPS |
| 32-20-9.3 | Operating cycle between adjacent lanes of traffic | \$54 | \$122.50 | CYLN |
| 32-20-9.5 | Operating cycle more than two abreast in single traffic lane | \$54 | \$122.50 | CYOP |

SNOWMOBILE OFFENSES

| | | | | |
|-----------|---|------|----------|------|
| 32-14-9.1 | <i>See Vehicle Traffic Offenses Section</i> | | | |
| 32-20A-2 | Operating recklessly or at excessive speed | \$54 | \$122.50 | RKSM |
| 32-20A-2 | Operating without required muffler | \$54 | \$122.50 | OPMF |
| 32-20A-3 | Operator age restrictions | \$54 | \$122.50 | SNAG |
| 32-20A-5 | Improper use on controlled access highway | \$54 | \$122.50 | SNCA |
| 32-20A-5 | Operation on railroad right-of-way | \$54 | \$122.50 | OPRR |
| 32-20A-7 | Improper operation on or across a roadway | \$54 | \$122.50 | SMRD |
| 32-20A-10 | Operating without lights when dark | \$54 | \$122.50 | SNLT |
| 32-20A-15 | No snowmobile license | \$54 | \$122.50 | SNLC |
| 32-20A-19 | Failure to report snowmobile accident | \$54 | \$122.50 | SNAC |

VEHICLE EQUIPMENT OFFENSES

| | | | | |
|-----------|--|------|----------|------|
| 32-15-2.4 | One-way windows or certain adhesive film on windshield/ side wing vents (35% level) | \$54 | \$122.50 | FILM |
| 32-15-2.5 | One-way windows or certain adhesive film on rear window (20% level) | \$54 | \$122.50 | FLMB |
| 32-15-2.9 | Sunscreening devices on windshield prohibited | \$54 | \$122.50 | SCRN |
| 32-15-11 | Sirens and whistles prohibited | \$54 | \$122.50 | SIRD |
| 32-15-17 | Illegal exhaust | \$54 | \$122.50 | MFCP |
| 32-15-18 | Dropping, sifting or leaking load | \$54 | \$122.50 | LOAD |
| 32-17-4 | Operating vehicle without headlights | \$54 | \$122.50 | LMLT |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|--|--|-------------|--------------|-------------|
| 32-17-5&6 | Improper construction/adjustment of headlights | \$54 | \$122.50 | HDLP |
| 32-17-7 | Failure to dim headlights | \$54 | \$122.50 | HDDM |
| 32-17-9 | Red lights on front of vehicle prohibited | \$54 | \$122.50 | RDLP |
| 32-17-10 | Improper use of red/amber rotary light by tow truck | \$54 | \$122.50 | REDP |
| 32-17-16 | Clearance and identification lamps required by vehicles transporting passengers for compensation | \$54 | \$122.50 | LIGH |
| 32-17-19 | Improper aiming and adjustment of spot lamps | \$54 | \$122.50 | SPOT |
| 32-17-20 | Improper adjustment of any lamps other than headlamps or spot lamps | \$54 | \$122.50 | LAMP |
| 32-17-27 | Lights on parked vehicles | \$54 | \$122.50 | LTPK |
| 32-17-28 | Emergency flares, lights, triangles required | \$54 | \$122.50 | PFLR |
| 32-17-29 | Emergency flares/lights/triangles-when to be used | \$54 | \$122.50 | FLAR |
| 32-17-42 | Invalid installation or use of blue light by fireperson | \$54 | \$122.50 | BLUP |
| 32-18-1 | Brakes required | \$54 | \$122.50 | BRAK |
| 32-19-3 | Studded tires in use from May 1 to September 30 | \$54 | \$122.50 | STUD |
| 32-19-7 | Permitted connection between towing and towed vehicle – Maximum length | \$54 | \$122.50 | TFLG |
| 32-19-9 | No safety chains | \$54 | \$122.50 | TOWT |
| 32-19-10 | Safety chain slack and coupling | \$54 | \$122.50 | SCHN |
| 32-19-12 | Operation with unsafe wheel as misdemeanor | \$54 | \$122.50 | UNWH |
| 32-19-13 | Operation with cut or worn tire as misdemeanor | \$54 | \$122.50 | WRTR |
| <u>VEHICLE PARKING OFFENSES</u> | | | | |
| 32-30-1 | Parking on highway | \$31.50 | \$95 | RPRK |
| 32-30-2 | Standing or parking, obstructing clear view | \$31.50 | \$95 | VHVV |
| 32-30-2.1 | Position for parking on two-way road | \$31.50 | \$95 | IMPK |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|---|---|-------------|--------------|-------------|
| 32-30-2.2 | Position for parking on one-way road | \$31.50 | \$95 | PKOW |
| <u>VEHICLE REGISTRATION OFFENSES</u> | | | | |
| 32-3-12 | Operation of vehicle without certificate | \$54 | \$122.50 | TTLE |
| 32-5-2.4 | Expired validation sticker | \$54 | \$122.50 | RNRG |
| 32-5-6.3 | Overweight on non-commercial license | \$54 | \$122.50 | NNCM |
| 32-5-27 | Registration of out-of-state vehicles | \$54 | \$122.50 | OSTG |
| 32-5-98 | Operation of vehicle without license plates or license plates conspicuously displayed | \$54 | \$122.50 | XLCP |
| 32-10-34 | No proper vehicle registration | \$54 | \$122.50 | RQIR |
| <u>VEHICLE TRAFFIC OFFENSES</u> | | | | |
| 31-4-14.3 | Failure to comply with weather restriction/highway closure | \$154 | \$222.50 | CLHI |
| 31-8-15 | Unlawful use of controlled access facilities | \$54 | \$122.50 | HFAC |
| 32-5-8.2 | Trailers or semitrailers with identification plates may only be pulled by certain motor vehicles | \$54 | \$122.50 | IDPT |
| 32-6B-25 | Use of vehicles bearing dealer's demonstration or in-transit permits--Time limitation--Issuance of permits for unauthorized purposes prohibited | \$104 | \$172.50 | DDEP |
| 32-14-9.1 | Operation of vehicle (snowmobiles, motorcycles & ATVs) on private land without permission of landowner | \$54 | \$122.50 | OVPL |
| 32-18-13 | Parking Brakes Required | \$54 | \$122.50 | PKBK |
| 32-20-9.1 | Deprive motorcycle of full use of lane | \$54 | \$122.50 | LNMC |
| 32-21-27 | Improperly equipped vehicles on highway | \$54 | \$122.50 | IMVH |
| 32-21-30 | Failure to comply with directions of officer | \$54 | \$122.50 | FLCM |
| 32-22-52 | Truck overweight violation | \$104 | \$172.50* | MXWP |
| * 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. | | | | |
| 32-24-8 | Careless driving | \$54 | \$122.50 | SCDR |

Effective July 1, 2018

| STATUTE | OFFENSE | | FINE | TOTAL | CODE |
|----------------|--|-----------------------|-------------|--------------|----------------|
| 32-24-9 | Exhibition driving | | \$54 | \$122.50 | EXHD |
| 32-25-3 | Overdriving road conditions | | \$54 | \$122.50 | OVRD |
| 32-25-5 | Failure to observe minimum speed on interstate highway | | \$54 | \$122.50 | MINS |
| 32-25-1.1 | Speeding on a state highway other than interstate highway | <u>MPH Over Limit</u> | <u>Fine</u> | <u>Total</u> | SPDS |
| | | 1 – 5 | \$ 19 | \$87.50 | |
| 32-25-4 | Speeding on interstate highway | 6 – 10 | 39 | 107.50 | SPDI |
| | | 11 – 15 | 59 | 127.50 | |
| 32-25-7 | Speeding on other roadways (includes municipal streets and county roads) | 16 – 20 | 79 | 147.50 | SPDO |
| | | 21 - 25 | 99 | 167.50 | |
| | | 26 and up | 154 | 222.50 | |
| 32-25-7.1 | Speeding on divided four-lane rural highways | | | | SPD4 |
| 32-25-19.1 | Speeding in a construction zone or | <u>MPH Over Limit</u> | <u>Fine</u> | <u>Total</u> | SPCO |
| 32-25-14 | Speeding in a school zone: | 1 – 5 | \$ 34 | \$ 102.50 | SCHL |
| | (court appearance at discretion of officer) | 6 – 10 | 74 | 142.50 | |
| | | 11 – 15 | 114 | 182.50 | |
| | | 16 – 20 | 154 | 222.50 | |
| | | 21 – 25 | 194 | 262.50 | |
| | | 26 and over | 304 | 372.50 | |
| 32-25-23 | Drag racing | | \$204 | \$272.50 | RACE |
| 32-26-1 | Driving on wrong side of road | | \$54 | \$122.50 | WRNS |
| 32-26-3 | Failure to yield one-half of roadway | | \$54 | \$122.50 | YLDF |
| 32-26-6 | Illegal lane changing | | \$54 | \$122.50 | LNCH |
| 32-26-9 | Illegal barrier or median crossing | | \$54 | \$122.50 | MEDN |
| 32-26-10 | Illegal entry to, or exit from, controlled-access highways | | \$54 | \$122.50 | ACSS |
| 32-26-13 to 16 | Violation of right of way | | \$54 | \$122.50 | <i>Various</i> |
| 32-26-17 to 20 | Illegal turning | | \$54 | \$122.50 | <i>Various</i> |
| 32-26-22.1 | Failure or improper use of signals | | \$54 | \$122.50 | SLGL |
| 32-26-23 | Improper arm, mechanical or electrical signals | | \$54 | \$122.50 | SIGL |
| 32-26-25 | Illegal U-turn | | \$54 | \$122.50 | UTRN |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|----------------|--|-------------|-----------------|----------------|
| 32-26-26 | Illegal following, overtaking and passing | \$54 | \$122.50 | OVTV |
| 32-26-26.1 | Failure to give 3-6 feet of separation passing a bicyclist | \$54 | \$122.50 | OBMS |
| 32-26-36 | Passing in an intersection | \$54 | \$122.50 | DLFT |
| 32-26-37 | Passing in no passing zone | \$54 | \$122.50 | NOPS |
| 32-26-40 | Following too closely | \$54 | \$122.50 | FOLW |
| 32-26-43 | Maximum number of passengers in front | \$54 | \$122.50 | PSGR |
| 32-27-7 | Failure to yield to pedestrian with white cane or guide dog | \$54 | \$122.50 | STCN |
| 32-28-6 | Failure to comply with flashing yellow or red signal | \$54 | \$122.50 | RDLT |
| 32-28-7 | Failure to Stop for Flashing Red Signal | <u>\$54</u> | <u>\$122.50</u> | SNGL |
| 32-28-10 | Failure to obey traffic control device (red light) | \$54 | \$122.50 | DRPL |
| 32-29 | Traffic sign or signal violation | \$54 | \$122.50 | <i>Various</i> |
| 32-29-2.1 | Failure to stop at stop sign | \$54 | \$122.50 | STOP |
| 32-29-3 | Failure to yield at yield sign | \$54 | \$122.50 | YILD |
| 32-29-4 | Failure to stop for railway crossing signal or sign | \$54 | \$122.50 | RRST |
| 32-29-5 | Failure to observe railroad crossing stop | \$54 | \$122.50 | RRCR |
| 32-30-20 | Unsafe backing | \$54 | \$122.50 | BACK |
| 32-30-21 | Backing on controlled access highway | \$54 | \$122.50 | SHDR |
| 32-31-6.1 | Move over law | \$54 | \$122.50 | STVH |
| 32-32-6 | Failure to stop for school patrol or school bus while loading or unloading | \$54 | \$122.50 | FSTB |
| 32-33-2 | Failure to appear for court hearing | \$54 | \$122.50 | PRMP |
| 32-34-3.1 | Failure to report accident to police authority when persons entitled to information disabled | \$54 | \$122.50 | IMRP |
| 32-34-4 | Failure to stop & report after accident with unattended vehicle | \$54 | \$122.50 | STAC |
| 32-34-7 | Failure to immediately report accident, minor damage, etc. | \$54 | \$122.50 | ARPT |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|---------|---|-------|----------|------|
| 32-34-9 | Failure of occupant to report accident when driver unable to do so | \$54 | \$122.50 | REPT |
| 34-35-8 | Throwing match or burning object from vehicle | \$104 | \$172.50 | MTCH |
| 34A-7-7 | Littering from motor vehicle <i>Note: Additional fine can be assessed under 34A-7-17</i> | \$104 | \$172.50 | LTTR |

GAME, FISH AND PARKS VIOLATIONS

BOATING/PUBLIC WATER OFFENSES

| | | | | |
|-------------|---|-------|----------|------|
| 32-3A-3 | Operating boat without valid license or numbers | \$54 | \$122.50 | BTNU |
| 32-3A-5 | Improper display of boat numbers | \$54 | \$122.50 | DSNU |
| 42-8-1.4 | Violation of water restriction imposed by Governor/designee | \$54 | \$122.50 | VWAR |
| 42-8-41 | Misc. other boat safety equipment | \$54 | \$122.50 | LFPR |
| 42-8-44.1 | Underwater diving violation (allowable area/flag required) | \$54 | \$122.50 | DIVE |
| 42-8-48 | Water-skiing after hours | \$54 | \$122.50 | WSKI |
| 42-8-49 | Water-skiing without observer or mirror | \$54 | \$122.50 | MIRO |
| 42-8-58 | Failure to report accident | \$54 | \$122.50 | RPRT |
| 42-8-69 | Boat operator under age of 12 w/o responsible adult | \$54 | \$122.50 | BUND |
| 42-8-102 | Unsafe operation of personal watercraft by: | | | |
| | a) not wearing a PFD (lifejacket) | \$54 | \$122.50 | BTLF |
| | b) not using lights as is required by boat | \$54 | \$122.50 | BTRE |
| | c) not keeping no-wake requirements within 150' of swimmers/docks/non-motorized boats | \$54 | \$122.50 | BTWK |
| | d) allowing underage operator (under age 14) to operate personal watercraft | \$54 | \$122.50 | BTOP |
| | e) not using engine cutoff lanyard as required | \$54 | \$122.50 | BECO |
| 41:04:01:07 | Unauthorized/improper buoy placement | \$50 | \$112.50 | BTBU |
| 41:04:01:09 | Operating boat in violation of posted waters | \$50 | \$112.50 | MBWA |
| | a) Boat in zoned swim area | \$50 | \$112.50 | BTSZ |
| | b) Boat under power in zoned swim area | \$100 | \$162.50 | BTSA |
| | c) Boat under power-zoned swim area w/swimmer present | \$150 | \$212.50 | BTSM |
| 41:04:01:10 | Person in water within 50' of public boat ramp unless loading/unloading boat | \$50 | \$112.50 | RAMP |
| 41:04:05:02 | Insufficient number of personal flotation devices (PFDs) | \$50 | \$112.50 | BPFL |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|----------------|--|------|----------|------|
| 41:04:05:02(1) | PFD use required (child under 7 years of age/hybrid) | \$50 | \$112.50 | LFCH |
| 41:04:05:02(2) | No throwable lifesaving device | \$50 | \$112.50 | TRLP |
| 41:04:05:03 | No fire extinguisher | \$50 | \$112.50 | BEXT |
| 41:04:05:14 | Careless operation | \$50 | \$112.50 | BSPE |
| 41:04:05:18 | Operating motorboat without lights | \$50 | \$112.50 | LITB |
| 41:04:05:19 | Overloading prohibited | \$50 | \$112.50 | PORL |
| 41:10:04:03 | Watercraft restrictions – launch with invasive species attached/water drainage required when trailered | \$25 | \$87.50 | AISW |
| 41:10:04:04 | Watercraft inspection/decontamination | \$25 | \$87.50 | WINS |

Fishing Offenses

| | | | | |
|---------|---|---------|-------------------------|----------------|
| 34A-8-9 | Take/transport/possess threatened or endangered fish | \$204 | \$272.50 | THFS |
| 41-1-4 | Wanton waste of fish | \$79 | \$147.50 | WAST |
| 41-2-18 | Fishing during closed season | \$54 | \$122.50 ⁽¹⁾ | FCLS |
| 41-6-7 | Unlawful entry onto boundary waters from South Dakota | \$104 | \$172.50 | ULEN |
| 41-6-52 | Residency requirements | \$104 | \$172.50 | RESD |
| 41-6-63 | Failure to exhibit license | \$29 | \$97.50 | HNTL |
| 41-6-76 | Fishing without license - resident | \$54 | \$122.50 ⁽¹⁾ | RSLC |
| 41-6-77 | Fishing without license - non-resident | \$104 | \$172.50 ⁽¹⁾ | NSLC |
| 41-9-1 | Trespass to fish (unknowing) | \$79 | \$147.50 | <i>Various</i> |
| 41-9-1 | Trespass to fish (knowing) | \$154 | \$222.50 ⁽¹⁾ | <i>Various</i> |
| 41-12-3 | Violate ice-fishing structure regulations | \$29 | \$97.50 | ICEH |
| 41-12-6 | Too many lines, each | \$25 ea | \$68.50 costs | LINS |
| 41-12-7 | Unattended lines (each) | \$25 ea | \$68.50 costs | ATND |
| 41-12-8 | Prohibited bait | \$29 | \$97.50 | PRBA |

⁽¹⁾ Fishing Privileges Revoked

⁽²⁾ Hunting Privileges Revoked

⁽³⁾ Trapping Privileges Revoked

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|----------------------|--|----------|---------------------------------------|---------|
| 41-12-12 | Illegal fishing method (dip nets, snagging) | \$104 | \$172.50 ⁽¹⁾ | QPMT |
| 41-14-4 | Unlawful public storage of fish (<i>not for each fish</i>) [Packages not marked by owner] | \$29 | \$97.50 | STOF |
| 41-14-32 | Over limit of fish / unlawful possession: | | | |
| | a. Game fish with a limit of 25 or more | \$5 ea | \$68.50 costs | FSHO |
| | b. Paddlefish | \$250 ea | \$68.50 ⁽¹⁾ costs | FSPD |
| | c. Other species of fish | | | |
| | 1 to 3 over limit | \$30 ea | \$68.50 costs | FSSP |
| | 4 to 6 over limit | \$50 ea | \$68.50 ⁽¹⁾ costs | FSXP |
| | 7 or more over limit | | Court appearance req'd ⁽¹⁾ | |
| 41:07:01:03 | Unlawful possession of minnows or baitfish | \$25 | \$87.50 | UPMB |
| 41:07:01:05 | Fishing in Restricted Area | \$50 | \$112.50 | FISR |
| 41:07:01:07 | Unlawful transportation / public storage of frozen fish <i>[more than two filets per package]</i> | \$25 | \$87.50 | FIST |
| 41:07:01:14 | Highgrading of fish prohibited | \$25 | \$87.50 | HGFP |
| 41:07:03:03 | Fish length violation (each) | \$25 ea | \$62.50costs | UNLG |
| 41:07:03:03 | Possession of organic bait | \$25 | \$87.50 | ORBA |
| 41:07:03:03 | Failure to retain walleye taken through ice on Lower Francis Case | \$25 | \$87.50 | RWAL |
| 41:07:03:05 | Unlawful possession of fish on the water | \$25 | \$87.50 | ANGL |
| 41:07:05:02 thru :05 | Paddlefish regulations | \$100 | \$162.50 | PADL |
| 41:07:06:03 | Game fish spearing/archery fishing permit required | \$4 | \$66.50 | SPAR |
| 41:09:04:03 thru: 06 | Bait trapping regulations | \$50 | \$112.50 | Various |
| 41:10:04:02 | Aquatic invasive species – possess / transport / sell / purchase | \$25 | \$87.50 | PTSP |
| 41:10:04:05 | Fish / bait water transportation restrictions | \$25 | \$87.50 | FBTR |

⁽¹⁾ Fishing Privileges Revoked

⁽²⁾ Hunting Privileges Revoked

⁽³⁾ Trapping Privileges Revoked

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|--|--|-------|-------------------------|---------|
| <u>FURBEARER OFFENSES</u> | | | | |
| 41-6-23 | Trapping bobcat without license - resident | \$404 | \$472.50 ⁽³⁾ | TRBC |
| 41-6-23 | Nonresident | \$504 | \$572.50 ⁽³⁾ | TBCN |
| 41-6-23 | Trapping other furbearer without a license - resident | \$154 | \$222.50 ⁽³⁾ | TRLC |
| 41-6-23 | Nonresident | \$304 | \$372.50 ⁽³⁾ | TRLN |
| 41-6-23 | Hunting bobcat without license - resident | \$404 | \$472.50 ⁽²⁾ | HUBC |
| 41-6-23 | Nonresident | \$504 | \$572.50 ⁽²⁾ | HBCN |
| 41-6-23 | Hunting other furbearer without license - resident | \$154 | \$222.50 ⁽²⁾ | HRLC |
| 41-6-23 | Nonresident | \$304 | \$372.50 ⁽²⁾ | HFLN |
| 41-8-19 | Hunting bobcat during closed season - resident | \$404 | \$472.50 ⁽²⁾ | HTCL |
| 41-8-19 | Nonresident | \$504 | \$572.50 ⁽²⁾ | HBNR |
| 41-8-19 | Hunting other furbearer during closed season - resident | \$154 | \$222.50 ⁽²⁾ | RBCL |
| 41-8-19 | Nonresident | \$304 | \$372.50 ⁽²⁾ | HFBN |
| 41-8-19 | Trapping bobcat during closed season - resident | \$404 | \$472.50 ⁽³⁾ | TBCL |
| 41-8-19 | Nonresident | \$504 | \$572.50 ⁽³⁾ | TBNR |
| 41-8-19 | Trapping other furbearer during closed season - resident | \$154 | \$222.50 ⁽³⁾ | RBCL |
| 41-8-19 | Nonresident | \$304 | \$372.50 ⁽³⁾ | TFNR |
| 41-8-21 | Possession of unchecked raw furs | \$79 | \$147.50 | RFUR |
| 41-8-24 | Prohibited method of taking mink/muskrat/beaver | \$79 | \$147.50 | HTMT |
| 41-9-1 | Trespass to trap (unknowing) | \$79 | \$147.50 | Various |
| 41-9-1 | Trespass to trap (knowing) | \$154 | \$222.50 ⁽³⁾ | Various |
| 41-9-1.1 | Trapping road right of way within 660 feet of occupied dwelling. | \$79 | \$147.50 | H660 |
| 41:08:01:08.01 | Failure to register bobcat within 5 days | \$100 | \$162.50 | BCTR |
| 41:08:02:01 thru :11 | Prohibited trapping methods | \$75 | \$137.50 | PTRP |
| 41:08:02:12 | Possession of wild animal/Failure to notify department | \$75 | \$137.50 | PSAN |
| 41:08:02:13 | Failure to render trap inoperable | \$75 | \$137.50 | TRPI |
| <u>SHOOTING PRESERVES</u> | | | | |
| 41:09:01:02 | Insufficient release of birds | \$200 | \$262.50 | RELB |
| 41:09:01:02.01 | Failure to notify of release of birds | \$200 | \$262.50 | NREL |
| <hr/> ⁽¹⁾ Fishing Privileges Revoked ⁽²⁾ Hunting Privileges Revoked ⁽³⁾ Trapping Privileges Revoked | | | | |
| 41:09:01:04 | Failure to tag birds | \$200 | \$262.50 | TGBD |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|--------------------------------|---|--|---|--------------|
| 41:09:01:05.01 | Records violation | \$200 | \$262.50 | RERQ |
| <u>HUNTING OFFENSES</u> | | | | |
| 32-20-6.6 | Carrying uncased gun on motorcycle or ATV | \$54 | \$122.50 | CYCD |
| 32-20A-11 | Carrying uncased gun on snowmobile | \$54 | \$122.50 | SNWG |
| 32-20A-12 | Hunting from snowmobile | \$79 | \$147.50 | HTSN |
| 34A-8-9 | Take / transport / possess threatened or endangered wild animals | \$204 | \$272.50 | THSP |
| 41-1-4 | Wanton waste of game | \$79 | \$147.50 | WAST |
| 41-6-7 | Unlawful entry onto boundary waters from SD | \$104 | \$172.50 | ULEN |
| 41-6-13 | Minor hunting without adult supervision | \$14 | \$82.50 | HNAD |
| 41-6-16 | Hunting without state migratory bird certification | \$4 | \$72.50 | WTFW |
| 41-6-16 | Hunting small game/waterfowl without license, resident | \$104 | \$172.50 ⁽²⁾ | HTLC |
| 41-6-17 | Small game, no license, non-resident | \$204 | \$272.50 ⁽²⁾ | SGLC |
| 41-6-18.1 | Waterfowl, no license, non-resident | \$204 | \$272.50 ⁽²⁾ | NRST |
| 41-6-27 | Hunting turkey, no license, resident | \$104 | \$172.50 ⁽²⁾ | TWLR |
| 41-6-27 | Exceed turkey limit, resident: 1 bird over limit 2-3 birds over limit 4 or more over limit | \$104 \$150 ea Court appearance req'd ⁽²⁾ | \$172.50 ⁽²⁾ \$68.50 costs ⁽²⁾ | ELTR XLTR |
| 41-6-28 | Hunting turkey, no license, non-resident | \$154 | \$222.50 ⁽²⁾ | TWLN |
| 41-6-28 | Exceed limit, non-resident: 1 turkey over limit 2-3 birds over limit 4 or more over limit | \$104 \$150 ea Court appearance req'd ⁽²⁾ | \$172.50 ⁽²⁾ \$68.50 costs ⁽²⁾ | ELTN XLTN |
| 41-6-30 | Unprotected game, no license, non-resident | \$54 | \$122.50 ⁽²⁾ | UNGM |

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⁽³⁾ Trapping Privileges Revoked

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|-----------|--|-------|-------------------------|------|
| 41-6-33 | No taxidermy license (or records violations) | \$104 | \$172.50 | TXDR |
| 41-6-52 | Residency requirements | \$104 | \$172.50 | RESD |
| 41-6-63 | Failure to exhibit license | \$29 | \$97.50 | HNTL |
| 41-6-74.3 | Failure to surrender license | \$54 | \$122.50 | LCSU |
| 41-6-78 | Dog training violation | \$54 | \$122.50 | DGTG |
| 41-6-80 | Unprotected game, no license, resident | \$29 | \$97.50 ⁽²⁾ | NLCG |
| 41-8-16 | Use of salt to attract big game | \$104 | \$172.50 | SALT |
| 41-8-17 | Artificial light/night vision, landowner/occupant/guest | \$54 | \$122.50 | LIGT |
| 41-8-17 | Artificial light/night vision | \$204 | \$272.50 ⁽²⁾ | ALGT |
| 41-8-17.1 | Unlawful use of artificial light except headlights (10 p.m. to sunrise / Sept. 1 - Jan. 31) | \$54 | \$122.50 | SPLT |
| 41-8-32.1 | Hunting doves within 50 yards of highway | \$29 | \$97.50 | HTDV |
| 41-8-37 | Shooting from motor vehicle | \$129 | \$197.50 ⁽²⁾ | HNTV |
| 41-8-41 | Florescent orange clothing required | \$29 | \$97.50 | HTOR |
| 41-9-1 | Unknowing trespass, resident | \$79 | \$147.50 | UTRS |
| 41-9-1 | Unknowing trespass, nonresident | \$79 | \$147.50 | UTRP |
| 41-9-1 | Knowing trespass, resident | \$204 | \$272.50 ⁽²⁾ | TRSP |
| 41-9-1 | Knowing trespass, nonresident | \$204 | \$272.50 ⁽²⁾ | TRSN |
| 41-9-1.1 | Hunting road right-of-way within 660 feet of posted dwelling | \$79 | \$147.50 ⁽²⁾ | P660 |
| 41-9-1.1 | Hunting road right-of-way within 660 feet of dwelling/livestock, non-posted | \$79 | \$147.50 | H660 |
| 41-9-1.2 | Shooting at big game from road | \$129 | \$197.50 ⁽²⁾ | BGRW |
| 41-9-1.5 | Misc. road right-of-way hunting restrictions (small game) | \$29 | \$97.50 | RWRD |

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⁽²⁾ Hunting Privileges Revoked

⁽³⁾ Trapping Privileges Revoked

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|-------------------------|--|---------|---------------------------------------|------|
| 41-9-11 | Failure to exhibit license to person controlling private land access | \$29 | \$97.50 | FELA |
| 41-11-4 | Hunting small game birds/waterfowl before or after legal hours: | | | |
| | a) less than 15 minutes | \$29 | \$97.50 | HOUR |
| | b) 15 minutes to 30 minutes | \$54 | \$122.50 | HOLT |
| | c) Over 30 minutes | \$104 | \$172.50 | HOLH |
| 41-11-4 | Hunting small game birds/waterfowl during closed season, resident | \$154 | \$222.50 ⁽²⁾ | CLSD |
| 41-11-4 | Nonresident | \$154 | \$222.50 ⁽²⁾ | CLSN |
| 41-11-4 | Exceeding legal limit - small game birds / waterfowl: | | | |
| | 1 to 3 over limit | \$50 ea | \$68.50 costs | LIMS |
| | 4 to 6 over limit | \$75 ea | \$68.50 costs ⁽²⁾ | LIMX |
| | 7 or more over limit | | Court appearance req'd ⁽²⁾ | |
| 41-14-1 | Possess protected bird or small game | \$54 | \$122.50 | TKGM |
| 41-14-4 | Unlawful public storage of game (<i>not for each bird</i>) [Packages not marked by owner] | \$29 | \$97.50 | UNTG |
| 41-14-32 | Unlawful take, transportation or possession of small game | \$79 | \$147.50 | DTAG |
| 41:05:01:02 thru :05 | Hunting within a waterfowl, state game or federal refuge | \$50 | \$112.50 | RFUG |
| 41:06:01:02 | Ineligible application for big game license | \$50 | \$112.50 | NGBL |
| 41:06:02:01 | Hunting in wrong unit/violate conditions of license | \$50 | \$112.50 | UNIT |
| 41:06:03:01 | Improper tagging of game | \$75 | \$137.50 | ITGA |
| 41:06:03:02 | Game bird transportation/packaging requirements | \$25 | \$87.50 | CARY |
| 41:06:03:06 | Big game transportation requirements | \$25 | \$87.50 | NOHH |
| 41:06:03:11 | Wildlife processing facility records violations | \$25 | \$87.50 | WLRV |
| 41:06:04:01 | Disturbing wildlife prohibited | \$75 | \$137.50 | DISW |
| 41:06:04:02 | Hunting game animals in party exceeding 20 | \$25 | \$87.50 | GRLT |

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⁽³⁾ Trapping Privileges Revoked

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|---|--|-------------|---------------|-------------|
| 41:06:04:03 | Big game methods prohibited | \$100 | \$162.50 | BGMT |
| 41:06:04:04 | Hunter accompanied by armed unlicensed person | \$25 | \$87.50 | ULAC |
| 41:06:04:05 | Hunting without signed Federal Migratory Bird Stamp | \$25 | \$87.50 | MBRD |
| 41:06:04:05 | Lead shot in a steel shot zone while hunting waterfowl | \$25 | \$87.50 | LEDS |
| 41:06:04:05 | Unplugged shotgun for waterfowl (<i>3-shell maximum</i>) | \$25 | \$87.50 | PLUG |
| 41:06:04:05.01 | Lead shot while hunting small game on certain public lands | \$25 | \$87.50 | NTXS |
| 41:06:04:06 | Use of vehicle/boat to disturb or chase game | \$100 | \$162.50 | MVGM |
| 41:06:04:07 | Protrusion of firearms from vehicle on highway | \$50 | \$112.50 | GGUN |
| 41:06:04:08 | Use of two-way radio in vehicle while hunting | \$50 | \$112.50 | HRDO |
| 41:06:04:12 | Hunting game birds with unlawful firearm | \$50 | \$112.50 | HTBR |
| 41:06:34:03 | Exceeding legal limit - cottontail rabbit, each | \$25 ea | \$62.50 costs | CRHT |
| 41:06:35:03 | Exceeding legal limit - tree squirrel, each | \$25 ea | \$62.50 costs | TSHT |
| 41:06:40:05 | Shooting doves not in flight | \$25 | \$87.50 | DOVE |
| 41:06:61:06 | Mountain lion license/season restriction | \$50 | \$112.50 | LION |
| <u>Park/Public Land Offenses</u> | | | | |
| 34-35-16 | Starting fire within Black Hills Fire Protection District without permit | \$54 | \$122.50 | FBHF |
| 34-35-21 | Use of certain explosive targets in Black Hills Fire Protection District | \$54 | \$122.50 | ETBH |
| 34-37-11 | Setting off fireworks on state land | \$54 | \$122.50 | FWPK |
| 34A-7-6 | Littering public or private lands or waters | \$104 | \$172.50 | WLTR |
| 34A-7-7 | Littering from motor vehicle (also moving traffic violation for record) | \$104 | \$172.50 | LTTR |
| 41-9-10 | Operating vehicles on school and public lands | \$54 | \$122.50 | OVSC |
| 41-17-27 | Operating motor vehicles on Mickelson Trail | \$54 | \$122.50 | MCTR |
| 5-4-15 | Unauthorized fires | \$54 | \$122.50 | STFR |

| STATUTE | OFFENSE | FINE | TOTAL | CODE |
|-------------------------|--|-------|----------|----------------|
| 41:03 | Miscellaneous unlisted park violations | \$50 | \$112.50 | <i>Various</i> |
| 41:03:01:01 | Unauthorized land use on posted GFP property | \$50 | \$112.50 | UAUT |
| 41:03:01:01 | Unauthorized land use - curfew | \$50 | \$112.50 | CURF |
| 41:03:01:01:01 | Mickelson Trail | | | |
| 41:03:01:01:02 | State park system | | | |
| 41:03:01:01:03 | Public hunting and lake access areas | | | |
| 41:03:01:02 | Leaving property on GFP lands | \$50 | \$112.50 | PRDT |
| 41:03:01:05 | Destruction/removal of natural features | \$50 | \$112.50 | DSPR |
| 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 | \$112.50 | SPEK |
| 41:03:01:16.02 | Restrictions on use of firearms | \$50 | \$112.50 | FRBW |
| 41:03:01:16.04 | Lead shot target shooting on public lands | \$25 | \$87.50 | LSTG |
| 41:03:01:19 | Tree stand violations | \$25 | \$87.50 | GTRE |
| 41:03:01:23 | Placing residential trash at GFP trash facilities | \$75 | \$137.50 | GTSH |
| 41:03:01:25 | Jumping/diving prohibited | \$50 | \$112.50 | JMDV |
| 41:03:01:29 | Prohibited use of metal detector | \$50 | \$112.50 | MTDT |
| 41:03:01:35 | Bait stations prohibited | \$100 | \$162.50 | BSPB |
| 41:03:02:01 | Operating vehicles off roads on land owned, leased or controlled by the Dept. of Game, Fish & Parks | \$50 | \$112.50 | DVRD |
| 41:03:02:02 | Exceeding posted speed limit in state park or recreation area | \$25 | \$87.50 | SPPK |
| 41:03:02:05 | Exhibition driving | \$50 | \$112.50 | PKEX |
| 41:03:02:09 thru :11 | Failure to obey traffic signs in park or recreation area | \$25 | \$87.50 | PDRI |
| 41:03:03:03 | No park license | \$50 | \$112.50 | PRKS |
| 41:03:04:02 | No camping permit | \$25 | \$87.50 | PRMT |
| 41:03:05:01 | Failure to pay Mickelson Trail fee | \$25 | \$87.50 | TRAL |

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, 2018, and shall continue in effect until further Order of the Court.

Dated at _____, South Dakota, this _____ day of _____, 2018.

BY THE COURT

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 \$68.50 should be added. A circuit judge may waive any or all of this \$68.50 amount.

Any portion of the fine (or \$68.50 liquidated costs and surcharges) that is suspended shall be deducted from the above computation. No part of the cash penalty can be suspended.