

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 13 2018

Shirley A. Johnson
Clerk

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IN THE MATTER OF THE AMENDMENT) RULE 18-10
TO SDCL 23A-4-1)

A hearing was held on February 13, 2018, at Pierre, South Dakota, relating to the amendment to SDCL 23A-4-1, and the Court having considered the proposed amendment and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 23A-4-1 be and it is hereby amended to read in its entirety as follows:

SDCL 23A-4-1. (Rule 5(a)) Arrested person taken before magistrate--Complaint filed on arrest without warrant. A law enforcement officer shall, without unnecessary delay, take the arrested person before the nearest available committing magistrate. Any person, other than a law enforcement officer, making an arrest shall, without unnecessary delay, take the arrested person before the nearest available committing magistrate or deliver him to the nearest available law enforcement officer. If a person arrested without a warrant is brought before a committing magistrate, a complaint shall be filed forthwith. When Unless given a court appearance date and released from custody, a person, arrested with or without a warrant or given a summons, shall appear appears initially before a committing magistrate in person or via ITV, without unnecessary delay, at which time the committing magistrate shall proceed in accordance with the applicable provisions of §§ 23A-4-2 to 23A-4-5, inclusive.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2018.

DATED at Pierre, South Dakota, this 13th day of March, 2018.

BY THE COURT:
David Gilbertson
David Gilbertson, Chief Justice

ATTEST
[Signature]
Clerk of the Supreme Court
(SEAL)