

FINE AND BOND SCHEDULE FOR USE BY CLERK MAGISTRATES

Effective March 1, 2010

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

ORDER promulgating a schedule of fines and bonds 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 by special arrangement.
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 \$40 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.

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STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>ALCOHOL AND DRUG OFFENSES</u>				
22-42A-3	Possession of drug paraphernalia	\$201	\$267	DGPH
32-12A-44	Commercial driving under the influence	\$251	\$317	DWCV
34-46-2	Underage purchase of cigarettes <i>Note: Penalty is cited under §4-46-5.</i>	\$26	\$92	Various
35-1-5.3	Drinking/mixing alcoholic beverage in a public place	\$51	\$117	BTTL
35-1-9.1	Open alcoholic beverage container in motor vehicle	\$51	\$117	OPEN
35-9-1.1	Furnishing alcohol to persons ages 18 to 21	\$51	\$117	ALM2 Court Appearance Required
35-9-2	Underage alcohol purchase, possession, consumption <i>(See SDCL 35-9-7)</i>	\$51	\$117	BOOZ Court Appearance Required Under 18 possession is CHINS offense
<u>DRIVER LICENSE OFFENSES</u>				
32-12-22	No valid driver's license	\$51	\$117	NDLC
32-12-65(2) (32-35-110)	Driving while license suspended	Court Appearance Required		DRRV SSPN
32-12-65(3)	Driving while license canceled	\$101	\$167	CANL
32-12-72	Allow unauthorized person to use motor vehicle	\$51	\$117	AUPV
32-12-74	Violation of license restriction	\$51	\$117	UURL
32-12A-6	No commercial driver's license	\$51	\$117	CMDI
<u>EMERGENCY VEHICLE OFFENSES</u>				
32-31-6	Failure to pull to edge of curb on proper audible signal of emergency vehicle	\$51	\$117	MRGC
32-31-7	Following fire apparatus	\$26	\$92	ALRM
32-31-8	Driving over fire hose	\$26	\$92	HOSE

STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>LIVESTOCK TRANSPORTATION OFFENSES</u>				
40-20-10	Transporting livestock without shippers agreement	\$51	\$117	TRNA
40-20-15	Transporting livestock w/out transportation permit	\$51	\$117	LVTR
40-20-18	Failure to exhibit transportation permit upon demand	\$51	\$117	EHPR
<u>MOTOR CARRIER OFFENSES</u>				
10-47B-187(16)	Failure to display fuel permit	\$101	\$167	FULX
32-9	Compensation and ton mileage violations. <i>See specifically 32-9-6, -7, -14, -23, -23.3, -23.5, and -50.</i>	\$101	\$167	<i>Various</i>
32-9-3.1 (32-5-49.1)	Operating nonresident harvest vehicle without compensation certificate	\$101	\$167	HVRT
32-22	General weight, size and load restriction	\$101	\$167	<i>Various</i>
32-22-48	Crossing bridge with overweight vehicle	\$101	\$167	BDGP
32-33-17	Failure to stop at state weighing station	\$101	\$167	WGST
49-28-36	No PUC authority (interstate operation)	\$101	\$167	PCRG
49-28-63	Failure of interstate motor carriers to display PUC numbers (Rule 20:10:02:08)	\$101	\$167	NCOM
49-28-63	Failure to maintain proper insurance (Rules 20:10:02:02, 20:10:02:03, and 20:10:02:04)	\$101	\$167	NCOM
49-28-63	Failure to have proper bill of lading (Rules 20:10:02:21 and 20:10:02:22)	\$101	\$167	NCOM
49-28-63	Failure to follow leasing requirements (Rules 20:10:02:23 and 20:10:02:24)	\$101	\$167	NCOM
49-28-66	Refusal to stop and submit to inspection.	\$101	\$167	FLSP
49-28A-3	Logbook and safety-related equipment violations. <i>Refer to CFR 49B, chapter IIIB, parts 390 - 3101.</i>	\$101	\$167	LOGG

STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>MOTORCYCLE OFFENSES</u>				
32-14-9.1	<i>See Vehicle Traffic Offenses Section</i>			
32-18-1	Brakes required	\$51	\$117	BRAK
32-20-2	Operating without driver's license	\$51	\$117	MCLI
32-20-4	Helmet required-under 18 years of age	\$51	\$117	HLMT
32-20-6.1	Passenger seat	\$51	\$117	CYCL
32-20-6.2	Position of motorcyclist	\$51	\$117	CYPT
32-20-6.3	Carrying package which prohibits driver from keeping both hands on handlebars	\$51	\$117	CYCA
32-20-6.4	Rider interfering with control or view of operator	\$51	\$117	CYCB
32-20-6.5	Attachment of driver or cycle to another vehicle	\$51	\$117	CYCC
32-20-6.6	Carrying loaded or uncased gun	\$51	\$117	CYCD
32-20-9.2	Cyclist overtaking and passing motor vehicle in same lane	\$51	\$117	MCPS
32-20-9.3	Operating cycle between adjacent lanes of traffic	\$51	\$117	CYLN
32-20-9.5	Operating cycle more than two abreast in single traffic lane	\$51	\$117	CYOP
<u>SNOWMOBILE OFFENSES</u>				
32-14-9.1	<i>See Vehicle Traffic Offenses Section</i>			
32-20A-2	Operating recklessly or at excessive speed	\$51	\$117	RKSM
32-20A-2	Operating without required muffler	\$51	\$117	OPMF
32-20A-3	Operator age restrictions	\$51	\$117	SNAG
32-20A-5	Improper use on controlled access highway	\$51	\$117	SNCA
32-20A-5	Operation on railroad right-of-way	\$51	\$117	OPRR
32-20A-7	Improper operation on or across a roadway	\$51	\$117	SMRD
32-20A-10	Operating without lights when dark	\$51	\$117	SNLT
32-20A-15	No snowmobile license	\$51	\$117	SNLC
32-20A-19	Failure to report snowmobile accident	\$51	\$117	SNAC

STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>VEHICLE EQUIPMENT OFFENSES</u>				
32-15-2.4	One-way windows or certain adhesive film on windshield/ side wing vents (35% level)	\$51	\$117	FILM
32-15-2.5	One-way windows or certain adhesive film on rear window (20% level)	\$51	\$117	FLMB
32-15-11	Sirens and whistles prohibited	\$51	\$117	SIRD
32-15-17	Illegal exhaust	\$51	\$117	MFCP
32-15-18	Dropping, sifting or leaking load	\$51	\$117	LOAD
32-17-4	Operating vehicle without headlights	\$51	\$117	LMLT
32-17-5&6	Improper construction/adjustment of headlights	\$51	\$117	HDLP
32-17-7	Failure to dim headlights	\$51	\$117	HDDM
32-17-10	Improper use of red/amber rotary light by tow truck	\$51	\$117	REDP
32-17-16	Clearance and identification lamps required by vehicles transporting passengers for compensation	\$51	\$117	LIGH
32-17-19	Improper aiming and adjustment of spot lamps	\$51	\$117	SPOT
32-17-20	Improper adjustment of any lamps other than headlamps or spot lamps	\$51	\$117	LAMP
32-17-27	Lights on parked vehicles	\$51	\$117	LTPK
32-17-28	Emergency flares, lights, triangles required	\$51	\$117	PFLR
32-17-29	Emergency flares/lights/triangles-when to be used	\$51	\$117	FLAR
32-17-42	Invalid installation or use of blue light by fireperson	\$51	\$117	BLUP
32-18-1	Brakes required	\$51	\$117	BRAK
32-19-3	Studded tires in use from May 1 to September 30	\$51	\$117	STUD
32-19-9	No safety chains	\$51	\$117	TOWT

STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>VEHICLE PARKING OFFENSES</u>				
32-30-1	Parking on highway	\$26	\$92	RPRK
32-30-2	Standing or parking, obstructing clear view	\$26	\$92	VHVW
32-30-2.1	Position for parking on two-way road	\$26	\$92	IMPK
32-30-2.2	Position for parking on one-way road	\$26	\$92	PKOW
32-30-11.4	Parking in space reserved for handicapped	\$51	\$117	HDPR
<u>VEHICLE REGISTRATION OFFENSES</u>				
32-3-12	Operation of vehicle without certificate	\$51	\$117	TTLE
32-5-2.4	Expired validation sticker	\$51	\$117	RNRG
32-5-6.3	Overweight on non-commercial license	\$51	\$117	NNCM
32-5-27	Registration of out-of-state vehicles	\$51	\$117	OSTG
32-5-98	Operation of vehicle without license plates or license plates conspicuously	\$51	\$117	XLCP
32-5-103	Substitution of license plates	\$51	\$117	TFKP
32-10-34	No proper vehicle registration	\$51	\$117	RQIR
<u>VEHICLE TRAFFIC OFFENSES</u>				
31-4-14.3	Failure to comply with weather restriction/highway closure	\$51	\$117	CLHI
31-8-15	Unlawful use of controlled access facilities	\$51	\$117	HFAC
32-14-9.1	Operation of vehicle (snowmobiles, motorcycles & ATVs) on private land without permission of landowner	\$51	\$117	OVPL
32-20-9.1	Deprive motorcycle of full use of lane	\$51	\$117	LNMC
32-21-27	Improperly equipped vehicles on highway	\$51	\$117	IMVH
32-21-30	Failure to comply with directions of officer	\$51	\$117	FLCM
32-24-2	Coasting downhill in neutral or with clutch out	\$51	\$117	COST

STATUTE	OFFENSE		FINE	TOTAL	CODE
32-24-8	Careless driving		\$51	\$117	SCDR
32-24-9	Exhibition driving		\$51	\$117	EXHD
32-25-3	Overdriving road conditions		\$51	\$117	OVRD
32-25-5	Failure to observe minimum speed on interstate highway		\$51	\$117	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	\$ 16	\$82	
32-25-4	Speeding on interstate highway	6 -10	36	102	SPDI
		11 -15	56	122	
32-25-7	Speeding on other roadways (includes municipal streets and county roads)	16 -20	76	142	SPDO
		21 -25	96	162	
		26 and up	151	217	
32-25-19.1	Speeding in a construction zone:	<u>MPH Over Limit</u>	<u>Fine</u>	<u>Total</u>	SPCO
		1 - 5	\$ 32	\$ 98	
		6 -10	72	138	
		11 -15	112	178	
		16 -20	152	218	
		21 -25	192	258	
		26 and over	302	368	
32-25-23	Drag racing		\$201	\$267	RACE
32-26-1	Driving on wrong side of road		\$51	\$117	WRNS
32-26-3	Failure to yield one-half of roadway		\$51	\$117	YLDF
32-26-6	Illegal lane changing		\$51	\$117	LNCH
32-26-9	Illegal barrier or median crossing		\$51	\$117	MEDN
32-26-10	Illegal entry to, or exit from, controlled-access highways		\$51	\$117	ACSS
32-26-13 to 16	Violation of right of way		\$51	\$117	<i>Various</i>
32-26-17 to 20	Illegal turning		\$51	\$117	<i>Various</i>
32-26-22.1	Failure or improper use of signals		\$51	\$117	SLGL
32-26-23	Improper arm, mechanical or electrical signals		\$51	\$117	SIGL
32-26-25	Illegal U-turn		\$51	\$117	UTRN

STATUTE	OFFENSE	FINE	TOTAL	CODE
32-26-26	Illegal following overtaking and passing	\$51	\$117	OVTV
32-26-36	Passing in an intersection	\$51	\$117	DLFT
32-26-37	Passing in no passing zone	\$51	\$117	NOPS
32-26-40	Following too closely	\$51	\$117	FOLW
32-27-7	Failure to yield to pedestrian with white cane or guide dog	\$51	\$117	STCN
32-28-6	Failure to comply with flashing yellow or red signal	\$51	\$117	RDLT
32-28-10	Failure to obey traffic control device (red light)	\$51	\$117	DRPL
32-29	Traffic sign or signal violation	\$51	\$117	<i>Various</i>
32-29-2.1	Failure to stop at stop sign	\$51	\$117	STOP
32-29-3	Failure to yield at yield sign	\$51	\$117	YILD
32-29-4	Failure to stop for railway crossing signal or sign	\$51	\$117	RRST
32-29-5	Failure to observe railroad crossing stop	\$51	\$117	RRCR
32-30-20	Unsafe backing	\$51	\$117	BACK
32-30-21	Backing on controlled access highway	\$51	\$117	SHDR
32-31-6.1	Move over law	\$51	\$117	STVH
32-32-6	Failure to stop for school patrol or school bus while loading or unloading	\$51	\$117	FSTB
32-33-2	Failure to appear for court hearing	\$51	\$117	PRMP
32-34-3.1	Failure to report accident to police authority when persons entitled to information disabled	\$51	\$117	IMRP
32-34-4	Failure to stop & report after accident with unattended vehicle	\$51	\$117	STAC
32-34-7	Failure to immediately report accident, minor damage, etc.	\$51	\$117	ARPT
32-34-9	Failure of occupant to report accident when driver unable to do so	\$51	\$117	REPT
34-35-8	Throwing match or burning object from vehicle	\$51	\$117	MTCH
34A-7-7	Littering from motor vehicle	\$101	\$167	LTTR

STATUTE	OFFENSE	FINE	TOTAL	CODE
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Note: Additional fine can be assessed under 34A7-17

GAME, FISH AND PARKS VIOLATIONS

BOATING OFFENSES

32-3A-3	Operating boat without valid license or numbers	\$50	\$116	BTNU
32-3A-5	Improper display of boat numbers	\$50	\$116	DSNU
42-8-1.4	Violation of water restriction imposed by Governor/designee	\$50	\$116	VWAR
42-8-41	Misc. other boat safety equipment	\$50	\$116	LFPR
42-8-48	Water-skiing after hours	\$50	\$116	WSKI
42-8-49	Water-skiing without observer or mirror	\$50	\$116	MIRO
42-8-58	Failure to report accident	\$100	\$166	RPRT
42-8-69	Boat operator under age of 12 w/o responsible adult	\$50	\$116	BUND
42-8-102	Unsafe operation of personal watercraft by:			
	a) not wearing a PFD (lifejacket)	\$50	\$116	BTLF
	b) not using lights as is required by boat	\$50	\$116	BTRE
	c) not keeping no-wake requirements within 150' of swimmers/docks/non-motorized boats	\$50	\$116	BTWK
	d) allowing underage operator (under age 14) to operate personal watercraft	\$50	\$116	BTOP
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
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

STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>Fishing Offenses</u>				
34A-8-9	Take/transport/possess threatened or endangered fish	\$200	\$266	THFS
41-1-4	Wanton waste of fish	\$75	\$141	WAST
41-2-18	Fishing during closed season	\$50	\$116*	FCLS
41-6-7	Unlawful entry onto boundary waters from South Dakota	\$100	\$166	ULEN
41-6-52	Residency requirements	\$100	\$166	RESD
41-6-63	Failure to exhibit license	\$25	\$91	HNTL
41-6-76	Fishing without license - resident	\$50	\$116*	RSLC
41-6-77	Fishing without license - non-resident	\$100	\$166*	NSLC
41-9-1	Trespass to fish (unknowing)	\$75	\$141	Various
41-9-1	Trespass to fish (knowing)	\$150	\$216*	Various
41-12-3	Violate ice-fishing structure regulations	\$25	\$91	ICEH
41-12-6	Too many lines, each	\$25 ea	\$66 costs	LINS
41-12-7	Unattended lines (each)	\$25 ea	\$66 costs	ATND
41-12-8	Prohibited bait	\$25	\$91	PRBA
41-12-12	Illegal fishing method (dip nets, snagging)	\$100	\$166*	QPMT
41-14-4	Unlawful public storage of fish (<i>not for each fish</i>) [Packages not marked by owner]	\$25	\$91	STOF
41-14-32	Over limit of fish / unlawful possession:			
	a. Game fish with a limit of more than 25 or more, each	\$5	\$71	FSHO
	b. Paddlefish, each	\$250	\$66* costs	FSPD
	c. Other species of fish			
	1 to 3 overlimit	\$30 ea	\$66 costs	FSSP
	4 to 6 overlimit	\$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

* *Fishing privileges revoked.*

** *Hunting privileges revoked.*

*** *Trapping privileges revoked.*

STATUTE	OFFENSE	FINE	TOTAL	CODE
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
41:07:06:08	Diver-down flag required for underwater spearfishing	\$25	\$85	DFLA
41:09:04:04 thru :06	Bait trapping regulations	\$50	\$110	Various

FURBEARER OFFENSES

41-6-23	Trapping bobcat without license -resident	\$400	\$466***	TRBC
41-6-23	Nonresident	\$500	\$566	TBCN
41-6-23	Trapping other furbearer without a license -resident	\$150	\$216***	TRLC
41-6-23	Nonresident	\$300	\$366	TRLN
41-6-23	Hunting bobcat without license -resident	\$400	\$466**	HUBC
41-6-23	Nonresident	\$500	\$566	HBCN
41-6-23	Hunting other furbearer without license -resident	\$150	\$216**	HRLC
41-6-23	Nonresident	\$300	\$366	HFLN
41-8-19	Hunting bobcat during closed season -resident	\$400	\$466**	HTCL
41-8-19	Nonresident	\$500	\$566	HBNR
41-8-19	Hunting other furbearer during closed season -resident	\$150	\$216**	RBCL
41-8-19	Nonresident	\$300	\$366	HFBN
41-8-19	Trapping bobcat during closed season -resident	\$400	\$466***	TBCL
41-8-19	Nonresident	\$500	\$566	TBNR
41-8-19	Trapping other furbearer during closed season -resident	\$150	\$216***	FRBR
41-8-19	Nonresident	\$300	\$366	TFNR
41-8-21	Possession of unchecked raw furs	\$75	\$141	RFUR

** *Hunting privileges revoked.*

*** *Trapping privileges revoked.*

STATUTE	OFFENSE	FINE	TOTAL	CODE
41-8-24	Prohibited method of taking mink/muskrat/beaver	\$75	\$141	HTMT
41-9-1	Trespass to trap (unknowing)	\$75	\$141	Various
41-9-1	Trespass to trap (knowing)	\$150	\$216***	Various
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

** *Hunting privileges revoked.*

*** *Trapping privileges revoked.*

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
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	\$50	\$116	CYCD
32-20A-11	Carrying uncased gun on snowmobile	\$50	\$116	SNWG
32-20A-12	Hunting from snowmobile	\$75	\$141	HTSN
34A-8-9	Take / transport / possess threatened or endangered wild animals	\$200	\$266	THSP
41-1-4	Wanton waste of game	\$75	\$141	WAST
41-6-7	Unlawful entry onto boundary waters from SD	\$100	\$166	ULEN
41-6-13	Minor hunting without adult supervision	\$10	\$76	HNAD

** *Hunting privileges revoked.*

*** *Trapping privileges revoked.*

STATUTE	OFFENSE	FINE	TOTAL	CODE
41-6-16	Hunting without state migratory bird certification	\$4	\$70	WTFW
41-6-16	Hunting small game/waterfowl without license, resident	\$100	\$166**	HTLC
41-6-16.1	Minor hunting doves without adult	\$10	\$76	HTMN
41-6-17	Small game, no license, non-resident	\$200	\$266**	SGLC
41-6-18.1	Waterfowl, no license, non-resident	\$200	\$266**	NRST
41-6-27	Hunting turkey, no license, resident	\$100	\$166**	TWLR
41-6-27	Exceed turkey limit, resident: 1 bird over limit 2-3 birds over limit 4 or more over limit	\$100 \$150 ea \$150 ea	\$166** \$66 costs** \$66 costs**	ELTR XLTR XLTR
41-6-28	Hunting turkey, no license, non-resident	\$150	\$216**	TWLN
41-6-28	Exceed limit, non-resident: 1 turkey over limit 2-3 birds over limit 4 or more over limit	\$100 \$150 ea \$150 ea	\$166** \$66 costs** \$66 costs**	ELTN XLTN XLTN
41-6-30	Unprotected game, no license, non-resident	\$50	\$116**	UNGM
41-6-33	No taxidermy license (or records violations)	\$100	\$166	TXDR
41-6-52	Residency requirements	\$100	\$166	RESD
41-6-63	Failure to exhibit license	\$25	\$91	HNTL
41-6-74.3	Failure to surrender license	\$50	\$116	LCSU
41-6-78	Dog training violation	\$50	\$116	DGTG
41-6-80	Unprotected game, no license, resident	\$25	\$91**	NLCG
41-8-16	Use of salt to attract big game	\$100	\$166	SALT
41-8-17	Artificial light/night vision, landowner/occupant/guest	\$50	\$116	LIGT
41-8-17	Artificial light/night vision	\$200	\$266**	ALGT

** *Hunting privileges revoked.*

STATUTE	OFFENSE	FINE	TOTAL	CODE
41-8-17.1	Unlawful use of artificial light except headlights (10 p.m. to sunrise / Sept. 1 - Jan. 31)	\$50	\$116	SPLT
41-8-32.1	Hunting doves within 50 yards of highway	\$25	\$91	HTDV
41-8-37	Shooting from motor vehicle	\$100	\$166**	HNTV
41-8-41	Florescent orange clothing required	\$25	\$91	HTOR
41-9-1	Unknowing trespass, resident	\$75	\$141	UTRS
41-9-1	Unknowing trespass, nonresident	\$75	\$141	UTRP
41-9-1	Knowing trespass, resident	\$150	\$216**	TRSP
41-9-1	Knowing trespass, non resident	\$150	\$216**	TRSN
41-9-1.1	Hunting road right-of-way within 660 feet of posted dwelling	Court appearance req'd		
41-9-1.1	Hunting road right-of-way within 660 feet of dwelling/livestock, non-posted	\$75	\$141	H660
41-9-1.2	Shooting at big game from road	\$100	\$166**	BGRW
41-9-1.5	Misc. road right-of-way hunting restrictions (small game)	\$25	\$91	RWRD
41-11-4	Hunting small game birds/waterfowl before or after legal hours:			
	a) less than 15 minutes	\$25	\$91	HOUR
	b) 15 minutes to 30 minutes	\$50	\$116	HOLT
	c) Over 30 minutes	\$100	\$166	HOLH
41-11-4	Hunting small game birds/waterfowl during closed season, resident	\$150	\$216**	CLSD
41-11-4	Nonresident	\$150	\$216**	CLSN
41-11-4	Exceeding legal limit - small game birds / waterfowl:			
	1 to 3 over limit	\$50ea	\$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	\$50	\$116	TKGM
41-14-4	Unlawful public storage of game (<i>not for each bird</i>) [Packages not marked by owner]	\$25	\$91	UNTG
41-14-32	Unlawful take, transportation or possession of small game	\$75	\$141	DTAG

** *Hunting privileges revoked.*

STATUTE	OFFENSE	FINE	TOTAL	CODE
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
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
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

**** Hunting privileges revoked.**

STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>PARK AND RECREATION AREA VIOLATIONS</u>				
34-37-11	Setting off fireworks on state land	\$50	\$116	FWPK
34A-7-6	Littering public or private lands or waters	\$100	\$166	WLTR
34A-7-7	Littering from motor vehicle (also moving traffic violation for record)	\$100	\$166	LTTR
41:03	Miscellaneous unlisted park violations	\$50	\$110	<i>Various</i>
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
41:03:04:02	No camping permit	\$25	\$85	PRMT
41:03:05:01	Failure to pay Mickelson Trail fee	\$25	\$85	TRAL
<u>PUBLIC LAND VIOLATIONS</u>				
5-4-15	Unauthorized fires	\$50	\$116	STFR
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

STATUTE	OFFENSE	FINE	TOTAL	CODE
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	\$50	\$116	OVSC
41-17-27	Operating motor vehicles on Mickelson Trail	\$50	\$116	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.

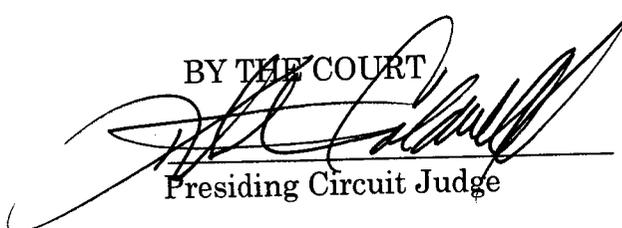
Fines and appearances required for violation of municipal ordinances shall be the same as those required for violation of similar state statutes. For other traffic offenses not covered by ordinance, the fines are the same as the state schedule.

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

This order of schedules becomes effective March 1, 2010, and shall continue in effect until further Order of the Court.

Dated at Sioux Falls, South Dakota, this 1st day of March, 2010.

BY THE COURT


Presiding Circuit Judge

ATTEST:

Clerk of Court

GUIDELINES FOR TRUCK OVERWEIGHT OFFENSES

Note: In these overweight cases, clerk magistrates do not have jurisdiction because of the penalties involved.

The overweight violation cited under § 32-22-52 is a Class 2 misdemeanor, the penalty for which is a \$100 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.

BOND SCHEDULE FOR USE BY LAW ENFORCEMENT OFFICERS

ORDER promulgating a schedule of cash, 10% appearance bond or cash/surety bonds for Class 1 and Class 2 misdemeanors and authorizing law enforcement officers to fix bonds as set forth for these and other listed offenses within the jurisdiction of the county.

ALCOHOL VIOLATIONS

Maintaining Public Nuisance/Alcohol SDCL 35-10-17	\$250.00
Open Container SDCL 35-1-9.1	PR
Providing Alcohol to Minor Under 18 SDCL 35-9-1	\$200.00
Providing Alcohol to Minor 18 – 21 SDCL 35-9-1.1	PR
Public Consumption SDCL 35-1-5.3; SF Ord. 5-9	\$50.00
Underage poss./cons. alc (Resident) SDCL 35-9-2; SF Ord. 5-12	PR
Underage poss./cons. alc (NonRes.) SDCL 35-9-2; SF Ord. 5-12	PR

DRIVER'S/ LICENSE VIOLATIONS

Displaying Another's Driver's Lic. SDCL 32-12-70	PR
Driving While Revoked SDCL 32-12-65	\$150.00
Driving While Suspended SDCL 32-12-65	PR
Driving w/o Dr. Lic. in Poss. SDCL 32-12-39	PR
Giv. Flse Info. to Obtain Dr. Lic. SDCL 32-12-75.1	\$100.00
No Valid Driver's License SDCL 32-12-22	PR
Poss. of Altered/Suspended Dr Lic SDCL 32-12-67	PR
Substituted License Plate SDCL 32-5-103	PR

ASSAULTIVE BEHAVIOR/ DAMAGE

Disorderly Conduct SDCL 22-13-1; SF Ord. 26-25	\$50.00
Disturbing Peace (City) SF Ord. 26-26	PR
Domestic Abuse/Simple Assault SDCL 22-18-1	no bond
Domestic Stalking SDCL 22-19A-1	no bond
Violation of Protection Order SDCL 22-19A-16 (stalking); SDCL 25-10-13 (domestic)	no bond
Intentional Damage to Property SDCL 22-34-1; SF Ord. 26-37	\$200.00
Obstructing Police Officer SDCL 22-11-2	\$150.00
Resisting Arrest SDCL 22-11-4	\$200.00
Simple Assault SDCL 22-18-1	\$200.00
Tampering with Motor Vehicle SDCL 32-4-4	\$150.00

DRIVING OFFENSES

Careless Driving - State or City 32-24-8; SF Ord. 40-220	PR
DWI 1 st SDCL 32-23-1 & 32-23-2	\$450.00
DWI 2 nd SDCL 32-23-1 & 32-23-3	\$750.00
DWI 3 rd SDCL 32-23-1 & 32-23-4	\$2,500
Reckless Driving – City SF Ord. 40-219	PR
Reckless Driving – State SDCL 32-24-1	\$200.00
Eluding SDCL 32-33-18	\$250.00
Zero Tolerance/Under 21 SDCL 32-23-21	\$100.00
Exhibition Driving – State or City SDCL 32-24-9; SF Ord. 40-221	PR

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Fleeing From Police (City) SF Ord. 34-2	PR
Seat Belt Violation SDCL 32-38-1	PR

CRIMES OF DISHONESTY

False Impersonation SDCL 22-40-1	\$75.00
Making a False Report SDCL 22-11-9	\$250.00
Misprision of a Felony SDCL 22-11-12	\$250.00
Obtain Services w/o Paying SDCL 22-30A-8	PR
Petty Theft 1° SDCL 22-30A-17.2	\$200.00
Petty Theft 2° SDCL 22-30A-17.3	PR
Unauthorized Use of a Vehicle SDCL 22-30A-12	\$200.00
Unlawful Occupancy -- Entering or Surreptitiously Remaining SDCL 22-35-5	\$100.00
Unlawful Occupancy -- Entering or Remaining After Notice SDCL 22-35-6	\$100.00

DRUGS AND SUBSTANCES	
Ingest Non-Alcoholic Substance SDCL 22-42-15	\$100.00
Poss Drug Paraphernalia SDCL 22-42A-3	PR
Poss Marijuana (less than 2 oz.) SDCL 22-42-6	\$200.00
Poss Marijuana (2 oz. - ½ pound) SDCL 22-42-6	felony
Poss Marijuana (under 1 pound) SDCL 22-42-6	felony

FISHING/HUNTING/ WEAPONS	
Carrying Concealed Weapon SDCL 22-14-9; SF Ord. 26-51	\$200.00
Fishing w/o license (resident) SDCL 41-6-7	PR
Fishing w/o license (nonresident) SDCL 41-6-8	\$100.00
Hunting w/o license SDCL 41-6-16	PR
Poss. of Firearm w/ Intoxicated SDCL 22-14-7	\$250.00

HIT AND RUN VIOLATIONS

Failure to Report – Unattended Veh. Or Property SDCL 32-34-4	PR
Failure to Report Accident – bodily injury/death and/or prop. damage over \$1,000 SDCL 32-34-7	\$75.00
Hit and Run SDCL 32-34-6	\$75.00
Leaving Scene of Accident SDCL 32-34-3	\$200.00
Hit and Run with Injuries SDCL 32-34-5	felony

PHONE CALLS/NUISANCES

Misuse of Phone SDCL 49-31-31	\$150.00
Nuisance Phone Calls SDCL 49-31-31	\$150.00
Panhandling/Public Begging SF Ord. 26-13	PR
Public Nuisance SDCL 22-36-1	PR

INSURANCE VIOLATIONS

No Proof of Insurance SDCL 32-35-113	PR
Prov. False Evid. of Fin. Resp. SDCL 32-35-120	\$250.00

MORALS CHARGES

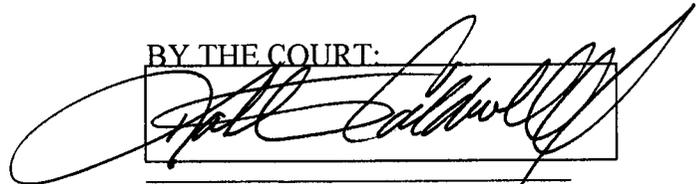
Contrib. to Delinq. of a Minor SDCL 26-9-1	\$250.00
Indecent Exposure SDCL 22-24-1.2	\$250.00
No Escort Identification SF Ord. 23 1/2-35	PR
Prostitution SDCL 22-23-1	\$100.00
Public Indecency SDCL 22-24-1.1	PR
Soliciting a Ride SF Ord. 40-303	PR
Window Peeking SDCL 22-21-3	\$250.00

Anything NOT listed on the BOND SCHEDULE shall be set as follows:

Class 2 Misdemeanors	PR
Class 1 Misdemeanors	\$200.00

Dated this 1st day of March, 2010.

BY THE COURT:



Kathleen K. Caldwell
Presiding Judge, Second Circuit