

STATE OF SOUTH DAKOTA

In the Supreme Court

I, Shirley A. Jameson-Legg, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this

8th day of Nov, 2013

Clerk of Supreme Court

Deputy

IN THE MATTER OF THE AMENDMENT)
OF SDCL 23A-35-4.2)

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

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SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

NOV - 8 2013

Shirley A. Jameson-Legg
Clerk

RULE 13-17

A hearing was held on November 5, 2013, at Pierre,

South Dakota, relating to the amendment of SDCL 23A-35-4.2 and the Court having considered the proposed amendment and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 23A-35-4.2 be and it is hereby amended to read in its entirety as follows::

SDCL 23A-35-4.2: Electronic transmission of affidavit in support of search warrant--Issue of search warrant--Proof of magistrate's signature.

A committing magistrate may, by means of electronic transmission, receive an affidavit in support of the issuance of a search warrant and may issue a search warrant by the same method. All applicable procedural and statutory requirements for the issuance of a warrant shall be met. For all procedural and statutory purposes, the electronic document shall have the same force and effect as the original. Any electronic document transmitted pursuant to this section shall be filed with the court within five business days.

The officer executing the warrant shall receive proof that the committing magistrate has signed the warrant before the warrant is executed. Proof that the committing magistrate has signed the warrant may consist of receipt of the electronic copy of the warrant.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 8th day of November, 2013.

BY THE COURT:

David Gilbertson
David Gilbertson, Chief Justice

ATTEST:

Clerk of the Supreme Court
(SEAL)