

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF)
A NEW RULE TO BE DESIGNATED AS) RULE 91-18
SDCL 23A-35-4.2)

Pursuant to a hearing held on February 14, 1991, at Pierre, South Dakota, relating to the adoption of a new rule to be designated as SDCL 23A-35-4.2, the Court having considered the proposed new rule, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the following new rule, to be designated as SDCL 23A-35-4.2, be and it is hereby adopted to read in its entirety as follows:

23A-35-4.2. A committing magistrate may, by means of facsimile 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 facsimile shall have the same force and effect as the original. The original documents 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 facsimile of the warrant.


IT IS FURTHER ORDERED that this rule shall become effective July 1, 1991.


Rule 91-18

DATED at Pierre, South Dakota, this 26th day of
February, 1991.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Robert A. Miller, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 26 1991


Clerk