

CIRCUIT COURT

Circuit courts are the state’s trial courts of general jurisdiction through which the bulk of criminal proceedings and civil litigation are processed. South Dakota has seven judicial circuits (map on following page), 44 circuit judges and 16 magistrate judges. Circuit court judges are elected by the voters within the circuit where they serve. The judges must be voting residents of their circuit at the time they take office. In the event of a vacancy, the Governor appoints a replacement from a list of nominees selected by the Judicial Qualifications Commission.

**7 Presiding Judges and 37 Circuit Court Judges in 7 Circuits
have the following:**

- ▶ Original jurisdiction in all civil and criminal actions,
- ▶ Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts, and
- ▶ Appellate jurisdiction over magistrate court decisions.

MAGISTRATE COURT

Magistrate courts assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. These courts have limited jurisdiction but make the judicial system more accessible to the public by providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether a magistrate judge or a clerk magistrate presides. Clerk magistrates are not attorneys but are clerks who receive specialized training. They provide functions that need to be handled expeditiously. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

Magistrate Judges:

16 full-time in 7 circuits:

- ▶ Are Committing magistrates for all courts

Conduct:

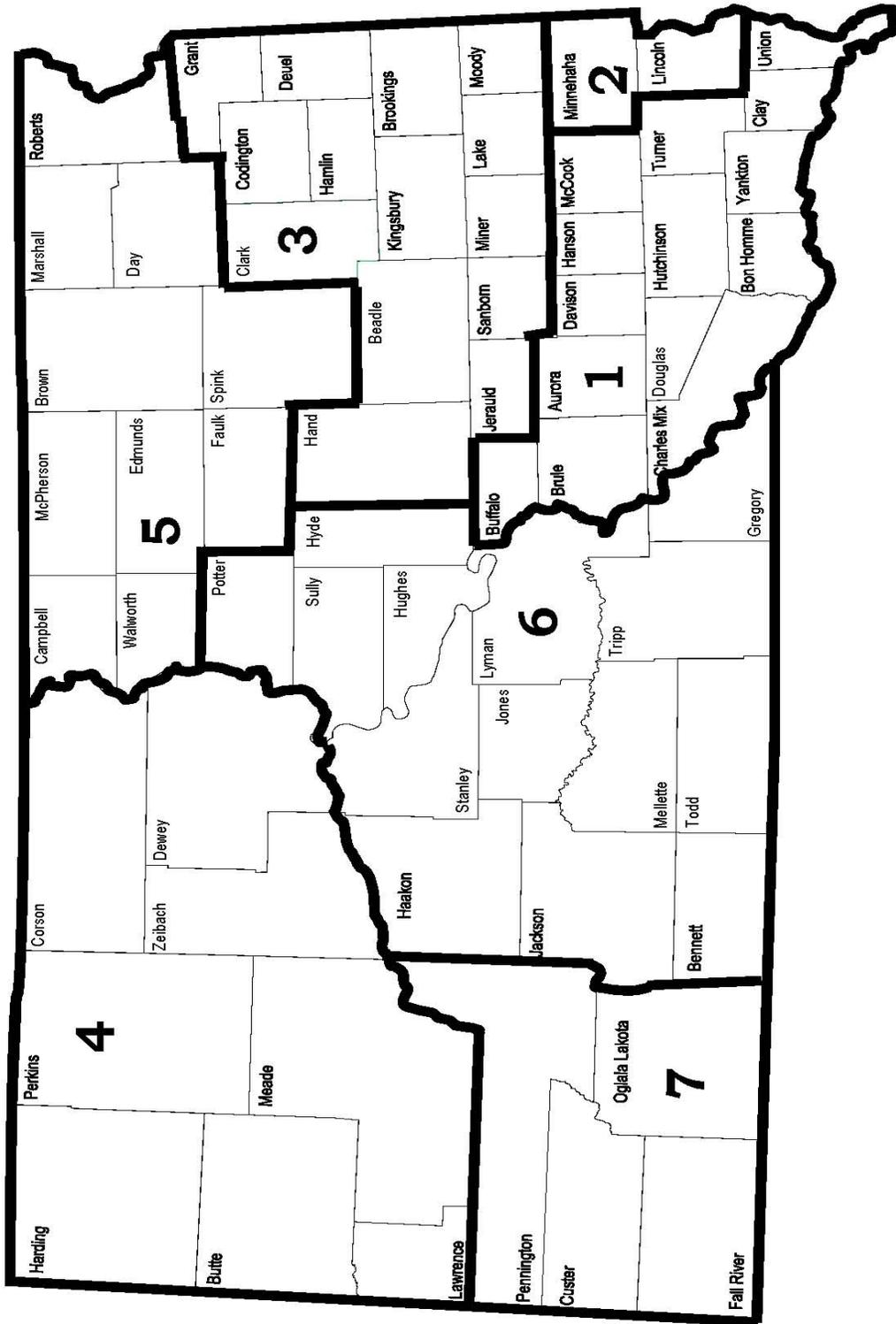
- ▶ Preliminary hearings for all criminal prosecutions;
- ▶ Trials of criminal misdemeanor;
- ▶ Trials of civil actions if the debt, damage, claim or value of the property involved does not exceed \$12,000; and
- ▶ Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000.

Clerk Magistrates (Specially-Trained):

Functions usually performed by clerks:

- Concurrent jurisdiction with magistrate courts to:
- ▶ Receive depositions;
 - ▶ Issue warrants;
 - ▶ Conduct certain preliminary hearings;
 - ▶ Set bail;
 - ▶ Appoint counsel;
 - ▶ Accept pleas for Class 2 misdemeanors;
 - ▶ Conduct hearings for petty offenses;
 - ▶ Render judgments for uncontested small claims; and
 - ▶ Perform marriages.

South Dakota Judicial Circuits and Counties



**Table 3. South Dakota Unified Judicial System
Statewide Workload
Five-Year Caseload Filings⁴**

	FY2016 Filings	FY2017 Filings	FY2018 Filings	FY2019 Filings	FY2020 Filings
Class 2 Misdemeanor Non-Contested ¹ Filings	92,154	94,561	86,150	77,821	65,839
Class 2 Misdemeanor Contested ¹ Filings	22,291	19,670	29,634	26,605	26,925
Class 1 Misdemeanor Filings	22,055	21,884	22,144	20,827	19,725
Felony & Extradited Filings	10,800	11,512	12,259	12,527	13,476
TOTAL CRIMINAL	147,300	147,627	150,187	137,780	125,965
Divorce Filings	4,447	4,413	4,032	4,104	4,028
Protection Order Filings	4,647	4,589	4,549	4,244	4,030
Modification Proceedings/ UIFSA Filings	7,376	7,342	6,364	6,140	5,488
Juvenile Dependency & Neglect Filings	567	562	662	607	610
Juvenile Delinquency & CHINS Filings	4,381	4,177	4,418	4,557	3,825
Juvenile Citations ²	N/A	2,643	1,519	1,344	1,286
Adoptions/Guardianships/Term of Parental Rights Filings	1,554	1,327	1,254	1,487	1,417
Probate (Informal) Filings	2,108	2,202	2,208	2,095	2,253
Probate (Formal) Filings	253	260	242	246	271
Mental Illness & Drug & Alcohol Commitment Filings	5,005	4,789	4,971	4,896	4,844
Civil Filings	13,699	13,189	14,227	13,079	13,085
Small Claims Filings	27,701	28,916	26,111	26,949	25,976
Search Warrants	3,711	3,765	4,178	4,228	4,667
Administrative Appeals & Expungements	235	186	168	204	218
TOTAL CIVIL FILINGS	75,684	78,360	74,903	74,180	71,998
TOTAL CRIMINAL & CIVIL FILINGS	222,984	225,987	225,090	211,960	197,963
MISCELLANEOUS ACTIVITIES					
Supreme Court Appeals	298	271	243	276	243
Record Searches & Money Judgment Searches ³	153,499	192,131	204,680	230,176	217,803
Passport Applications	629	724	722	933	540
Weddings	824	632	524	483	365

¹ Includes petty offense filings and municipal ordinance violations.

² Beginning in FY2017, Juvenile Citations were included.

³ Includes PARS Searches

* Includes Cases Reopened