

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.

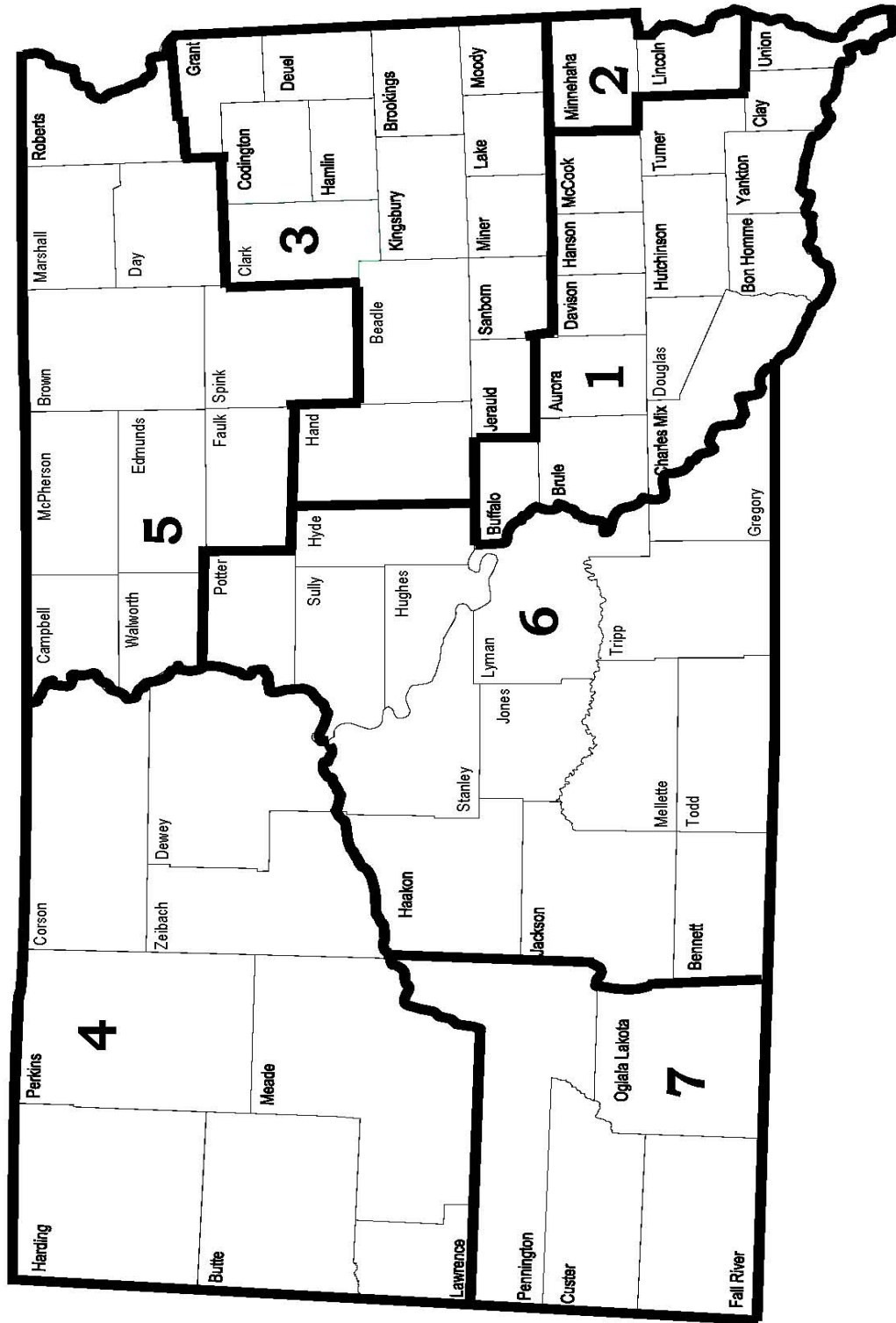
Clerk Magistrates (Specially-Trained):

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 Filings**

	FY2017 Filings	FY2018 Filings	FY2019 Filings	FY2020 Filings	FY2021 Filings
Class 2 Misdemeanor Non-Contested ¹ Filings	94,561	86,150	77,821	65,839	69,901
Class 2 Misdemeanor Contested ¹ Filings	19,670	29,634	26,605	26,925	27,487
Class 1 Misdemeanor Filings	21,884	22,144	20,827	19,725	19,118
Felony & Extradited Filings	11,512	12,259	12,527	13,476	13,380
TOTAL CRIMINAL	147,627	150,187	137,780	125,965	129,886
Divorce Filings	4,413	4,032	4,104	4,028	3,950
Protection Order Filings	4,589	4,549	4,244	4,030	3,853
Modification Proceedings/UJFSA Filings	7,342	6,364	6,140	5,488	4,862
Juvenile Dependency & Neglect Filings	562	662	607	610	537
Juvenile Delinquency & CHINS Filings	4,177	4,418	4,557	3,825	2,957
Juvenile Citations ²	2,643	1,519	1,344	1,286	954
Adoptions/Guardianships/Trusts/Term of Parental Rights Filings	1,327	1,254	1,487	1,417	1,630
Probate (Informal) Filings	2,202	2,208	2,095	2,253	2,526
Probate (Formal) Filings	260	242	246	271	317
Mental Illness & Drug & Alcohol Commitment Filings	4,789	4,971	4,896	4,844	5,303
Civil Filings	13,189	14,227	13,079	13,085	12,099
Small Claims Filings	28,916	26,111	26,949	25,976	25,692
Search Warrants	3,765	4,178	4,228	4,667	5,089
Administrative Appeals & Expurgements	186	168	204	218	178
TOTAL CIVIL FILINGS	78,360	74,903	74,180	71,998	69,947
TOTAL CRIMINAL & CIVIL FILINGS	225,987	225,090	211,960	197,963	199,833
MISCELLANEOUS ACTIVITIES					
Supreme Court Appeals	271	243	276	243	242
Record Searches & Money Judgment Searches ³	192,131	204,680	230,176	217,803	247,954
Passport Applications	724	722	933	540	378
Weddings	632	524	483	365	347

¹ Includes petty offense filings and municipal ordinance violations.

² Beginning in FY2017, Juvenile Citations were included.

³ Includes PARS Searches