

FY24 FINE AND BOND SCHEDULE FOR USE BY CLERK MAGISTRATES

Effective July 1, 2023

IN CIRCUIT COURT

_____ JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

ORDER promulgating a schedule of fines and bonds and a fine and bond addendum 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 _____ 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.
2. Second degree manslaughter - \$1,000 to \$10,000
3. Grand theft - \$1,000 to \$10,000
4. Burglary - \$1,000 to \$10,000
5. Bad checks - \$1,000 to \$5,000
6. DUI (third & subsequent offenses) - \$1,000 to \$5,000
7. Robbery - \$1,000 to \$25,000
8. Sexual contact - \$1,000 to \$10,000
9. Rape - \$1,000 to \$25,000
10. Forgery - \$1,000 to \$5,000
11. All other felonies - \$1,000 to \$10,000

CLASS 1 MISDEMEANORS AND ORDINANCES

Guidelines to go by for your local usage.

1. DUI (first and second offense) - \$225 to \$1,000
2. Reckless driving - \$150 to \$208
3. Bad checks - \$120 to \$580
4. 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.

SDCL 25-10-40: Restrictions on release of person charged with domestic abuse. No police officer or sheriff may release a person charged with assaulting a person in a relationship described in § 25-10-3.1, or violating a protection order, as provided for in this chapter, without providing notice to a committing magistrate judge or circuit court. A committing magistrate judge or circuit court shall determine if bond or other conditions of release are necessary for the protection of the alleged victim.

5. All other Class 1 misdemeanors - \$95 to \$1,000

MUNICIPAL ORDINANCES

All municipal offenses and misdemeanor possession of marijuana charges (for two ounces or less_ - P.R. Bond

Schedule II sets forth the bond and "mail-in" schedules for use where applicable. If the offense is a Class 2 misdemeanor under State law 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:

Criminal Court Costs for Circuit Courts	Liquidated Costs § 23-3-52	Court Automation Surcharge § 16-2-41	Victim's Compensation Surcharge § 23A-28B-42	Total Court Costs
Class 2 misdemeanors (violation of state law)	\$50.00	\$23.50	\$5.00	\$78.50
Class 2 misdemeanors (parking violations of state law)	\$50.00	\$23.50	\$0.00	\$73.50
All violations of county/municipal ordinances	\$50.00	\$17.50	\$5.00	\$72.50
All violations of administrative rules with criminal penalties	\$50.00	\$17.50	\$5.00	\$72.50
All Violations of county/municipal parking ordinances	\$50.00	\$17.50	\$0.00	\$67.50
Petty offenses	\$0.00	\$0.00	\$0.00	\$0.00

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 \$60 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>				
22-42-24	Driver use of marijuana in motor vehicle	\$204	\$282.50	SMOV
22-42-25	Passenger use of marijuana in motor vehicle	\$100	\$178.50	SMPV
22-42A-3	Possession of drug paraphernalia Possession of drug paraphernalia (in a vehicle)	\$204 Court Appearance Required	\$282.50	DGPH
32-12A-44	Commercial driving under the influence	\$254	\$332.50	DWCV
34-46-2 & 5	Unlawful purchase, distribute, possess, sell tobacco product	\$29	\$107.50	<i>Various</i>
35-1-5.3	Drinking/mixing alcoholic beverage in a public place	\$54	\$132.50	BTTL
35-1-9.1	Open alcoholic beverage container in motor vehicle	\$54	\$132.50	OPEN
38-35-16	Transport Industrial Hemp without license (Class 2) (Emergency Provision)	\$100	\$178.50	TIHL
<u>CONDUCT AND PROPERTY OFFENSES</u>				
13-32-6	Disturbance of school	\$54	\$132.50	DSCH
22-18-35	Disorderly conduct	\$54	\$132.50	DSCO
22-35-6	Trespass-Entering or refusing to leave property after notice	\$54	\$132.50	OCCP
<u>DRIVER LICENSE OFFENSES</u>				
32-12-22	No valid driver's license	\$54	\$132.50	NDLC
32-12-65(2)	Driving while license suspended	\$204	\$282.50	DRRV
32-12-65(3)	Driving while license canceled	\$104	\$182.50	CANL
32-12-72	Allow unauthorized person to use motor vehicle	\$54	\$132.50	AUPV
32-12-74	Violation of license restriction	\$54	\$132.50	UVRL
32-12A-6	No commercial driver's license	\$104	\$182.50	CMDI
32-12A-8.2	Driving for out of service motor carrier operation	\$104	\$182.50	DMCO
<u>EMERGENCY VEHICLE OFFENSES</u>				
32-33-18	Failure to Stop at the Signal of Law Enforcement Officer	\$204	\$282.50	STSG

STATUTE	OFFENSE	FINE	TOTAL	CODE
32-31-6	Failure to pull to edge of curb on proper audible signal of emergency vehicle	\$54	\$132.50	MRGC
32-31-7	Following fire apparatus	\$29	\$107.50	ALRM
32-31-8	Driving over fire hose	\$29	\$107.50	HOSE

LIVESTOCK TRANSPORTATION OFFENSES

40-20-18	Failure to exhibit transportation permit upon demand	<u>Head</u> 1-5 head 6 and over	\$54 \$10/hd	\$132.50 \$138.50-\$578.50	EHPR ETPD (Fine not to exceed \$500)
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MOTOR CARRIER OFFENSES

10-47B-187(15)	Failure to display fuel permit		\$104	\$182.50	FUEL
32-9	Compensation and ton mileage violations <i>See specifically 32-9-6, -7, -14, -23.3, and -23.5.</i>		\$104	\$182.50	Various
32-9-3.1 (32-5-49.1)	Operating nonresident harvest vehicle without compensation certificate		\$104	\$182.50	HVRT
32-22	General weight, size and load restriction <i>For penalties now provided by law for such offenses-see last page of schedule.</i>		\$104	\$182.50	Various
32-22-48	Crossing bridge with overweight vehicle		\$104	\$182.50	BDGP
32-22-52	Overweight vehicles		\$104	\$182.50	MXWP
32-22-57	Lift axel control		\$104	\$682.50	LFAX (includes \$500 civil penalty)
(32-22-57.1)	Failure to equip with pressure control device		\$104	\$182.50	PRSS
32-33-17	Failure to stop at state weighing station		\$104	\$182.50	WGST
49-28-63	Failure To Comply		\$104	\$182.50	NCOM
49-28-66	Refusal to stop and submit to inspection		\$104	\$182.50	FLSP
49-28A-3	Logbook and safety-related equipment violations <i>Refer to CFR 49B, chapter IIIB, parts 390 - 3101.</i>		\$104	\$182.50	LOGG

STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>MOTORCYCLE OFFENSES</u>				
32-14-9.1	Operation of vehicle (snowmobiles, motorcycles & ATVs) on private land without permission of landowner	\$54	\$132.50	OVPL
32-18-1	Brakes required	\$54	\$132.50	BRAK
32-20-2	Operating without driver's license	\$54	\$132.50	MCLI
32-20-4	Helmet required-under 18 years of age	\$54	\$132.50	HLMT
32-20-6.1	Passenger seat	\$54	\$132.50	CYCL
32-20-6.2	Position of motorcyclist	\$54	\$132.50	CYPT
32-20-6.3	Carrying package which prohibits driver from keeping both hands on handlebars	\$54	\$132.50	CYCA
32-20-6.4	Rider interfering with control or view of operator	\$54	\$132.50	CYCB
32-20-6.5	Attachment of driver or cycle to another vehicle	\$54	\$132.50	CYCC
32-20-9.2	Cyclist overtaking and passing motor vehicle in same lane	\$54	\$132.50	MCPS
32-20-9.3	Operating cycle between adjacent lanes of traffic	\$54	\$132.50	CYLN
32-20-9.5	Operating cycle more than two abreast in single traffic lane	\$54	\$132.50	CYOP
<u>SNOWMOBILE OFFENSES</u>				
32-14-9.1	Operation of vehicle (snowmobiles, motorcycles & ATVs) on private land without permission of landowner	\$54	\$132.50	OVPL
32-20A-2	Operating recklessly or at excessive speed	\$54	\$132.50	RKSM
32-20A-2	Operating without required muffler	\$54	\$132.50	OPMF
32-20A-3	Operator age restrictions	\$54	\$132.50	SNAG
32-20A-5	Improper use on controlled access highway	\$54	\$132.50	SNCA
32-20A-5	Operation on railroad right-of-way	\$54	\$132.50	OPRR
32-20A-7	Improper operation on or across a roadway	\$54	\$132.50	SMRD
32-20A-10	Operating without lights when dark	\$54	\$132.50	SNLT
32-20A-15	No snowmobile license	\$54	\$132.50	SNLC

STATUTE	OFFENSE	FINE	TOTAL	CODE
32-20A-19	Failure to report snowmobile accident	\$54	\$132.50	SNAC
41-19-4	Use of Trails and Areas Restricted to Licensed Snowmobiles	\$54	\$132.50	SNTR
<u>VEHICLE EQUIPMENT OFFENSES</u>				
32-15-2.4	One-way windows or certain adhesive film on windshield/ side wing vents (35% level)	\$54	\$132.50	FILM
32-15-2.5	One-way windows or certain adhesive film on rear window (20% level)	\$54	\$132.50	FLMB
32-15-2.9	Sunscreening devices on windshield prohibited	\$54	\$132.50	SCRN
32-15-11	Sirens and whistles prohibited	\$54	\$132.50	SIRD
32-15-17	Illegal exhaust	\$54	\$132.50	MFCP
32-15-18	Dropping, sifting or leaking load	\$54	\$132.50	LOAD
32-17-4	Operating vehicle without headlights	\$54	\$132.50	LMLT
32-17-5&6	Improper construction/adjustment of headlights	\$54	\$132.50	<i>Various</i>
32-17-7	Failure to dim headlights	\$54	\$132.50	HDDM
32-17-9	Red lights on front of vehicle prohibited	\$54	\$132.50	RDLP
32-17-10	Improper use of red/amber rotary light by tow truck	\$54	\$132.50	REDP
32-17-16	Clearance and identification lamps required by vehicles transporting passengers for compensation	\$54	\$132.50	LIGH
32-17-19	Improper aiming and adjustment of spot lamps	\$54	\$132.50	SPOT
32-17-20	Improper adjustment of any lamps other than headlamps or spot lamps	\$54	\$132.50	LAMP
32-17-27	Lights on parked vehicles	\$54	\$132.50	LTPK
32-17-28	Emergency flares, lights, triangles required	\$54	\$132.50	PFLR
32-17-29	Emergency flares/lights/triangles-when to be used	\$54	\$132.50	FLAR
32-17-42	Invalid installation or use of blue light by fireperson	\$54	\$132.50	BLUP
32-18-1	Brakes required	\$54	\$132.50	BRAK

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STATUTE	OFFENSE	FINE	TOTAL	CODE
32-19-3	Studded tires in use from May 1 to September 30	\$54	\$132.50	STUD
32-19-7	Permitted connection between towing and towed vehicle – Maximum length	\$54	\$132.50	TFLG
32-19-9	No safety chains	\$54	\$132.50	TOWT
32-19-10	Safety chain slack and coupling	\$54	\$132.50	SCHN
32-19-12	Operation with unsafe wheel as misdemeanor	\$54	\$132.50	UNWH
32-19-13	Operation with cut or worn tire as misdemeanor	\$54	\$132.50	WRTR

VEHICLE PARKING OFFENSES

32-30-1	Parking on highway	\$31.50	\$105	RPRK
32-30-2	Standing or parking, obstructing clear view	\$31.50	\$105	VHVV
32-30-2.1	Position for parking on two-way road	\$31.50	\$105	IMPK
32-30-2.2	Position for parking on one-way road	\$31.50	\$105	PKOW

VEHICLE REGISTRATION OFFENSES

32-3-12	Operation of vehicle without certificate	\$54	\$132.50	TITLE
32-5-2	Failure to register vehicle/Give proper information	\$54	\$132.50	FILC
32-5-2.4	Expired validation sticker	\$54	\$132.50	RNRG
32-5-6.3	Overweight on non-commercial license	\$54	\$132.50	NNCM
32-5-27	Registration of out-of-state vehicles	\$54	\$132.50	OSTG
32-5-98	Operation of vehicle without license plates or license plates conspicuously displayed	\$54	\$132.50	XLCP
32-10-34	No proper vehicle registration	\$54	\$132.50	RQIR

VEHICLE TRAFFIC OFFENSES

31-4-14.3	Failure to comply with weather restriction/highway closure	\$154	\$232.50	CLHI
31-8-15	Unlawful use of controlled access facilities	\$54	\$132.50	HFAC
32-5-8.2	Trailers or semitrailers with identification plates may only be pulled by certain motor vehicles	\$54	\$132.50	IDPT

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STATUTE	OFFENSE	FINE	TOTAL	CODE
32-5-178	Misuse of Emblem Specialty Plates	\$54	\$132.50	MESP
32-6B-25	Use of vehicles bearing dealer's demonstration or in-transit permits--Time limitation--Issuance of permits for unauthorized purposes prohibited	\$104	\$182.50	DDEP
32-14-9.1	Operation of vehicle (snowmobiles, motorcycles & ATVs) on private land without permission of landowner	\$54	\$132.50	OVPL
32-18-13	Parking Brakes Required	\$54	\$132.50	PKBK
32-20-9.1	Deprive motorcycle of full use of lane	\$54	\$132.50	LNMC
32-21-27	Improperly equipped vehicles on highway	\$54	\$132.50	IMVH
32-21-30	Failure to comply with directions of officer	\$54	\$132.50	FLCM
32-22-52	Truck overweight violation	\$104	\$182.50*	MXWP

* Note: A magistrate court with a clerk magistrate presiding has concurrent jurisdiction to accept an overweight truck civil penalty imposed pursuant to SDCL 32-22-55 only if the civil penalty is paid in full as part of a guilty plea. If the driver cannot pay the penalty in full as part of the guilty plea, the clerk must contact the magistrate or circuit court judge to set the bond.

32-24-8	Careless driving	\$54	\$132.50	SCDR
32-24-9	Exhibition driving	\$54	\$132.50	EXHD
32-25-3	Overdriving road conditions	\$54	\$132.50	OVRD
32-25-5	Failure to observe minimum speed on interstate highway	\$54	\$132.50	MINS

32-25-1.1	Speeding on a state highway other than interstate highway	<u>MPH Over Limit</u> 1 – 5	<u>Fine</u> \$19	<u>Total</u> \$97.50	SPDS
32-25-4	Speeding on interstate highway	6 – 10	\$39	\$117.50	SPDI
		11 – 15	\$59	\$137.50	
32-25-7	Speeding on other roadways (includes municipal streets and county roads)	16 – 20	\$79	\$157.50	SPDO
		21 - 25	\$99	\$177.50	
		26 and up	\$154	\$232.50	
32-25-7.1	Speeding on divided four-lane rural highways				SPD4

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STATUTE	OFFENSE	FINE	TOTAL	CODE	
32-25-19.1	Speeding in a construction zone:	<u>MPH Over Limit</u>	<u>Fine</u>	<u>Total</u>	SPCO
		1 – 5	\$38	\$116.50	
		6 – 10	\$78	\$156.50	
		11 – 15	\$118	\$196.50	
		16 – 20	\$158	\$236.50	
		21 – 25	\$198	\$276.50	
		26 and over	\$308	\$386.50	
32-25-14	Speeding in a school zone:	<u>MPH Over Limit</u>	<u>Fine</u>	<u>Total</u>	SCHL
(court appearance at discretion of officer)		1 – 5	\$34	\$112.50	
		6 – 10	\$74	\$152.50	
		11 – 15	\$114	\$192.50	
		16 – 20	\$154	\$232.50	
		21 – 25	\$194	\$272.50	
		26 and over	\$304	\$382.50	
32-25-23	Drag racing		\$204	\$282.50	RACE
32-26-1	Driving on wrong side of road		\$54	\$132.50	WRNS
32-26-3	Failure to yield one-half of roadway		\$54	\$132.50	YLDF
32-26-4	Mountain highways-curves-keep to right		\$54	\$132.50	CURV
32-26-6	Illegal lane changing		\$54	\$132.50	LNCH
32-26-9	Illegal barrier or median crossing		\$54	\$132.50	MEDN
32-26-10	Illegal entry to, or exit from, controlled-access highways		\$54	\$132.50	ACSS
32-26-13 to 16	Violation of right of way		\$54	\$132.50	<i>Various</i>
32-26-17 to 20	Illegal turning		\$54	\$132.50	<i>Various</i>
32-26-21.1	Driving on sidewalk		\$54	\$132.50	DRWK
32-26-22.1	Failure or improper use of signals		\$54	\$132.50	SLGL

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STATUTE	OFFENSE	FINE	TOTAL	CODE
32-26-23	Improper arm, mechanical or electrical signals	\$54	\$132.50	SIGL
32-26-25	Illegal U-turn	\$54	\$132.50	UTRN
32-26-26	Illegal following, overtaking and passing	\$54	\$132.50	OVTV
32-26-26.1	Failure to give 3-6 feet of separation passing a bicyclist	\$54	\$132.50	OBMS
32-26-34	Passing by crossing highway center line when vision is obscured	\$54	\$132.50	PSVS
32-26-36	Passing in an intersection	\$54	\$132.50	DLFT
32-26-37	Passing in no passing zone	\$54	\$132.50	NOPS
32-26-40	Following too closely	\$54	\$132.50	FOLW
32-26-43	Maximum number of passengers in front	\$54	\$132.50	PSGR
32-26-47.1	Use of Mobile Electronic Device	\$100	\$178.50	EDWD
32-26-47.2	Accessing, reading or posting to social networking site while operating motor vehicle	\$100	\$178.50	SNWD
32-27-7	Failure to yield to pedestrian with white cane or guide dog	\$54	\$132.50	STCN
32-28-6	Failure to comply with flashing yellow or red signal	\$54	\$132.50	RDLT
32-28-7	Failure to Stop for Flashing Red Signal	\$54	\$132.50	SNGL
32-28-10	Failure to obey traffic control device (red light)	\$54	\$132.50	DRPL
32-29	Traffic sign or signal violation	\$54	\$132.50	<i>Various</i>
32-29-2.1	Failure to stop at stop sign	\$54	\$132.50	STOP
32-29-3	Failure to yield at yield sign	\$54	\$132.50	YILD
32-29-4	Failure to stop for railway crossing signal or sign	\$54	\$132.50	RRST
32-29-5	Failure to observe railroad crossing stop	\$54	\$132.50	RRCR
32-30-11.4	Parking in a handicap zone – UPHD	\$100	\$173.50	UPHD
32-30-20	Unsafe backing	\$54	\$132.50	BACK
32-30-21	Backing on controlled access highway	\$54	\$132.50	SHDR

STATUTE	OFFENSE	FINE	TOTAL	CODE
32-31-6.1	Move over law (Minimum fine of \$270)	\$270	\$348.50	STVH
32-32-6	Failure to stop for school patrol or school bus while loading or unloading	\$54	\$132.50	FSTB
32-33-2	Failure to appear for court hearing	\$54	\$132.50	PRMP
32-34-3.1	Failure to report accident to police authority when persons entitled to information disabled	\$54	\$132.50	IMRP
32-34-4	Failure to stop & report after accident with unattended vehicle	\$54	\$132.50	STAC
32-34-7	Failure to immediately report accident, minor damage, etc.	\$54	\$132.50	ARPT
32-34-9	Failure of occupant to report accident when driver unable to do so	\$54	\$132.50	REPT
34-35-8	Throwing match or burning object from vehicle	\$104	\$182.50	MTCH
34A-7-7	Littering from motor vehicle <i>Note: Additional fine can be assessed under 34A-7-17</i>	\$104	\$182.50	LTTR

GAME, FISH AND PARKS VIOLATIONS

AQUATIC INVASIVE SPECIES (AIS) OFFENSES

41-13A-2	Possess/Import/Ship/Transport AIS	\$104	\$182.50	PIST
41-13A-3	Illegal conveyance placement into waters	\$104	\$182.50	CPIW
41-13A-4	Conveyance removal requirements	\$104	\$182.50	CVRR
41-13A-5	Failure to stop for inspection	\$104	\$182.50	FLSI
41:10:04:05	Fish / bait water transportation restrictions	\$25	\$97.50	FBTR

BOATING/PUBLIC WATER OFFENSES

32-3A-3	Operating boat without valid license or numbers	\$54	\$132.50	BTNU
32-3A-5	Improper display of boat numbers	\$54	\$132.50	DSNU
42-8-1.4	Violation of water restriction imposed by Governor/designee	\$54	\$132.50	VWAR
42-8-41	Misc. other boat safety equipment	\$54	\$132.50	LFPR
42-8-44.1	Underwater diving violation (allowable area/flag required)	\$54	\$132.50	DIVE

STATUTE	OFFENSE	FINE	TOTAL	CODE
42-8-48	Water-skiing after hours	\$54	\$132.50	WSKI
42-8-49	Water-skiing without observer or mirror	\$54	\$132.50	MIRO
42-8-58	Failure to report accident	\$54	\$132.50	RPRT
42-8-69	Boat operator under age of 12 w/o responsible adult	\$54	\$132.50	BUND
42-8-102	Unsafe operation of personal watercraft by:			
	a) not wearing a PFD (lifejacket)	\$54	\$132.50	BTLF
	b) not using lights as is required by boat	\$54	\$132.50	BTRE
	c) not keeping no-wake requirements within 150' of swimmers/docks/non-motorized boats	\$54	\$132.50	BTWK
	d) allowing underage operator (under age 14) to operate personal watercraft	\$54	\$132.50	BTOP
	e) not using engine cutoff lanyard as required	\$54	\$132.50	BECO
41:04:01:07	Unauthorized/improper buoy placement	\$50	\$122.50	BTBU
41:04:01:09	Operating boat in violation of posted waters	\$50	\$122.50	MBWA
	a) Boat in zoned swim area	\$50	\$122.50	BTSZ
	b) Boat under power in zoned swim area	\$100	\$172.50	BTSA
	c) Boat under power-zoned swim area w/swimmer present	\$150	\$222.50	BTSM
41:04:01:10	Person in water within 50' of public boat ramp unless loading/unloading boat	\$50	\$122.50	RAMP
41:04:05:02	Insufficient number of personal flotation devices (PFDs)	\$50	\$122.50	BPFL
41:04:05:02(1)	PFD use required (child under 7 years of age/hybrid)	\$50	\$122.50	LFCH
41:04:05:02(2)	No throwable lifesaving device	\$50	\$122.50	TRLP
41:04:05:03	No fire extinguisher	\$50	\$122.50	BEXT
41:04:05:06	Violation of navigation rules	\$50	\$122.50	VNAV
41:04:05:14	Careless operation	\$50	\$122.50	BSPE
41:04:05:18	Operating motorboat without lights	\$50	\$122.50	LITB
41:04:05:19	Overloading prohibited	\$50	\$122.50	PORL

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STATUTE	OFFENSE	FINE	TOTAL	CODE
<u>Fishing Offenses</u>				
34A-8-9	Take/transport/possess threatened or endangered fish	\$204	\$282.50	THFS
41-1-4	Wanton waste of fish	\$79	\$157.50	WAST
41-2-18	Fishing during closed season	\$54	\$132.50 ⁽¹⁾	FCLS
41-6-7	Unlawful entry onto boundary waters from South Dakota	\$104	\$182.50	ULEN
41-6-52	Residency requirements	\$104	\$182.50	RESD
41-6-63	Failure to exhibit license	\$29	\$107.50	HNTL
41-6-76	Fishing without license - resident	\$54	\$132.50 ⁽¹⁾	RSLC
41-6-77	Fishing without license - non-resident	\$104	\$182.50 ⁽¹⁾	NSLC
41-9-1	Trespass to fish (unknowing)	\$79	\$157.50	<i>Various</i>
41-9-1	Trespass to fish (knowing)	\$500	\$578.50 ⁽¹⁾	<i>Various</i>
41-12-3	Violate ice-fishing structure regulations	\$29	\$107.50	ICEH
41-12-6	Too many lines, each	\$25 ea	\$78.50 costs	LINS
41-12-7	Unattended lines (each)	\$25 ea	\$78.50 costs	ATND
41-12-8	Prohibited bait	\$29	\$107.50	PRBA
41-12-12	Illegal fishing method (dip nets, snagging)	\$104	\$182.50 ⁽¹⁾	QPMT
41-14-4	Unlawful public storage of fish (<i>not for each fish</i>) [Packages not marked by owner]	\$29	\$107.50	STOF
41-14-32	Over limit of fish / unlawful possession:			
	a. Game fish with a limit of 25 or more	\$5 ea	\$78.50 costs	FSHO
	b. Paddlefish	\$250 ea	\$78.50 ⁽¹⁾ costs	FSPD
	c. Other species of fish			
	1 to 3 over limit	\$30 ea	\$78.50 costs	FSSP
	4 to 8 over limit	\$50 ea	\$78.50 ⁽¹⁾ costs	FSXP

⁽¹⁾ Fishing Privileges Revoked

⁽²⁾ Hunting Privileges Revoked

⁽³⁾ Trapping Privileges Revoked

STATUTE	OFFENSE	FINE	TOTAL	CODE
	9 or more over limit		Court appearance req'd ⁽¹⁾	
41:07:01:03	Unlawful possession of minnows or baitfish	\$25	\$97.50	UPMB
41:07:01:05	Fishing in Restricted Area	\$50	\$122.50	FISR
41:07:01:07	Unlawful transportation / public storage of frozen fish <i>[more than two filets per package]</i>	\$25	\$97.50	FIST
41:07:01:14	Highgrading of fish prohibited	\$25	\$97.50	HGFP
41:07:03:03	Fish length violation (each)	\$25 ea	\$72.50costs	UNLG
41:07:03:03	Possession of organic bait	\$25	\$97.50	ORBA
41:07:03:03	Failure to retain walleye taken through ice on Lower Francis Case	\$25	\$97.50	RWAL
41:07:03:05	Unlawful possession of fish on the water	\$25	\$97.50	ANGL
41:07:05:02 thru :05	Paddlefish regulations	\$100	\$172.50	PADL
41:09:04:03 thru: 06	Bait trapping regulations	\$50	\$122.50	Various

FURBEARER OFFENSES

41-6-23	Trapping bobcat without license - resident	\$404	\$482.50 ⁽³⁾	TRBC
41-6-23	Nonresident	\$504	\$582.50 ⁽³⁾	TBCN
41-6-23	Trapping other furbearer without a license - resident	\$154	\$232.50 ⁽³⁾	TRLC
41-6-23	Nonresident	\$304	\$382.50 ⁽³⁾	TRLN
41-6-23	Hunting bobcat without license - resident	\$404	\$482.50 ⁽²⁾	HUBC
41-6-23	Nonresident	\$504	\$582.50 ⁽²⁾	HBCN
41-6-23	Hunting other furbearer without license - resident	\$154	\$232.50 ⁽²⁾	HRLC
41-6-23	Nonresident	\$304	\$382.50 ⁽²⁾	HFLN
41-8-19	Hunting bobcat during closed season - resident	\$404	\$482.50 ⁽²⁾	HTCL
41-8-19	Nonresident	\$504	\$582.50 ⁽²⁾	HBNR
41-8-19	Hunting other furbearer during closed season - resident	\$154	\$232.50 ⁽²⁾	RBCL
41-8-19	Nonresident	\$304	\$382.50 ⁽²⁾	HFBN

STATUTE	OFFENSE	FINE	TOTAL	CODE
41-8-19	Trapping bobcat during closed season - resident	\$404	\$482.50 ⁽³⁾	TBCL
41-8-19	Nonresident	\$504	\$582.50 ⁽³⁾	TBNR
41-8-19	Trapping other furbearer during closed season - resident	\$154	\$232.50 ⁽³⁾	RBCL
41-8-19	Nonresident	\$304	\$232.50 ⁽³⁾	TFNR
41-8-21	Possession of unchecked raw furs	\$79	\$157.50	RFUR
41-8-24	Prohibited method of taking mink/muskrat/beaver	\$79	\$157.50	HTMT
41-9-1	Trespass to trap (unknowingly)	\$79	\$157.50	<i>Various</i>
41-9-1	Trespass to trap (knowingly)	\$500	\$578.50 ⁽³⁾	<i>Various</i>
41-9-1.1	Trapping road right of way within 660 feet of occupied dwelling.	\$79	\$157.50	H660
41:08:01:08.01	Failure to register bobcat within 5 days	\$100	\$172.50	BCTR
41:08:02:01 thru :11	Prohibited trapping methods	\$75	\$147.50	PTRP
41:08:02:12	Possession of wild animal/Failure to notify department	\$75	\$147.50	PSAN
41:08:02:13	Failure to render trap inoperable	\$75	\$147.50	TRPI
<u>SHOOTING PRESERVES</u>				
41:09:01:02	Insufficient release of birds	\$200	\$272.50	RELB
41:09:01:02.01	Failure to notify of release of birds	\$200	\$272.50	NREL
41:09:01:04	Failure to tag birds	\$200	\$272.50	TGBD
41:09:01:05.01	Records violation	\$200	\$272.50	RERQ
<u>HUNTING OFFENSES</u>				
32-20A-12	Hunting from snowmobile	\$79	\$157.50	HTSN
34A-8-9	Take / transport / possess threatened or endangered wild animals	\$204	\$282.50	THSP
41-1-4	Wanton waste of game	\$79	\$157.50	WAST
41-6-7	Unlawful entry onto boundary waters from SD	\$104	\$182.50	ULEN
41-6-13	Minor hunting without adult supervision	\$14	\$92.50	HNAD
41-6-16	Hunting without state migratory bird certification	\$4	\$82.50	WTFW

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STATUTE	OFFENSE	FINE	TOTAL	CODE
41-6-16	Hunting small game/waterfowl without license, resident	\$104	\$182.50 ⁽²⁾	HTLC
41-6-17	Small game, no license, non-resident	\$204	\$282.50 ⁽²⁾	SGLC
41-6-18.1	Waterfowl, no license, non-resident	\$204	\$282.50 ⁽²⁾	NRST
41-6-27	Hunting turkey, no license, resident	\$104	\$182.50 ⁽²⁾	TWLR
41-6-27	Exceed turkey limit, resident:			
	1 bird over limit	\$104	\$182.50 ⁽²⁾	ELTR
	2-3 birds over limit	\$150 ea	\$78.50costs ⁽²⁾	XLTR
	4 or more over limit		Court appearance req'd ⁽²⁾	
41-6-28	Hunting turkey, no license, non-resident	\$154	\$232.50 ⁽²⁾	TWLN
41-6-28	Exceed limit, non-resident:			
	1 turkey over limit	\$104	\$182.50 ⁽²⁾	ELTN
	2-3 birds over limit	\$150 ea	\$78.50costs ⁽²⁾	XLTN
	4 or more over limit		Court appearance req'd ⁽²⁾	
41-6-30	Unprotected game, no license, non-resident	\$54	\$132.50 ⁽²⁾	UNGM
41-6-33	No taxidermy license (or records violations)	\$104	\$182.50	TXDR
41-6-52	Residency requirements	\$104	\$182.50	RESD
41-6-63	Failure to exhibit license	\$29	\$107.50	HNTL
41-6-74.3	Failure to surrender license	\$54	\$132.50	LCSU
41-6-78	Dog training violation	\$54	\$132.50	DGTG
41-6-80	Unprotected game, no license, resident	\$29	\$107.50 ⁽²⁾	NLCG
41-8-16	Use of salt to attract big game	\$104	\$182.50	SALT
41-8-17	Artificial light/night vision, landowner/occupant/guest	\$54	\$132.50	LIGT
41-8-17	Artificial light/night vision	\$204	\$282.50 ⁽²⁾	ALGT
41-8-17.1	Unlawful use of artificial light except headlights (10 p.m. to sunrise / Sept. 1 - Jan. 31)	\$54	\$132.50	SPLT

STATUTE	OFFENSE	FINE	TOTAL	CODE
41-8-37	Shooting from motor vehicle	\$129	\$207.50 ⁽²⁾	HNTV
41-8-41	Florescent orange clothing required	\$29	\$107.50	HTOR
41-9-1	Unknowing trespass, resident	\$79	\$157.50	UTRS
41-9-1	Unknowing trespass, nonresident	\$79	\$157.50	UTRP
41-9-1	Knowingly trespass, resident	\$500	\$578.50 ⁽²⁾	TRSP
41-9-1	Knowingly trespass, nonresident	\$500	\$578.50 ⁽²⁾	TRSN
41-9-1.1	Hunting road right-of-way within 660 feet of posted dwelling	\$129	\$207.50 ⁽²⁾	P660
41-9-1.1	Hunting road right-of-way within 660 feet of dwelling/livestock, non-posted	\$79	\$157.50	H660
41-9-1.1	Hunting doves from road right-of-way prohibited	\$29	\$107.50	HDRR
41-9-1.2	Shooting at big game from road	\$129	\$207.50 ⁽²⁾	BGRW
41-9-1.5	Misc. road right-of-way hunting restrictions (small game)	\$29	\$107.50	RWRD
41-9-11	Failure to exhibit license to person controlling private land access	\$29	\$107.50	FELA
41-11-4	Hunting small game birds/waterfowl before or after legal hours:			
	a) less than 15 minutes	\$29	\$107.50	HOUR
	b) 15 minutes to 30 minutes	\$54	\$132.50	HOLT
	c) Over 30 minutes	\$104	\$182.50	HOLH
41-11-4	Hunting small game birds/waterfowl during closed season, resident	\$154	\$232.50 ⁽²⁾	CLSD
41-11-4	Nonresident	\$154	\$232.50 ⁽²⁾	CLSN
41-11-4	Exceeding legal limit - small game birds / waterfowl:			
	1 to 3 over limit	\$50 ea	\$78.50 costs	LIMS
	4 to 6 over limit	\$75 ea	\$78.50 costs ⁽²⁾	LIMX
	7 or more over limit		Court appearance req'd ⁽²⁾	

STATUTE	OFFENSE	FINE	TOTAL	CODE
41-14-1	Possess protected bird or small game	\$54	\$132.50	TKGM
41-14-4	Unlawful public storage of game (<i>not for each bird</i>) [Packages not marked by owner]	\$29	\$107.50	UNTG
41-14-32	Unlawful take, transportation or possession of small game	\$79	\$157.50	DTAG
41:05:01:02 thru :05	Hunting within a waterfowl, state game or federal refuge	\$50	\$122.50	RFUG
41:06:01:02	Ineligible application for big game license	\$50	\$122.50	NGBL
41:06:02:01	Hunting in wrong unit/violate conditions of license	\$50	\$122.50	UNIT
41:06:03:01	Improper tagging of game	\$75	\$147.50	ITGA
41:06:03:02	Game bird transportation/packaging requirements	\$25	\$97.50	CARY
41:06:03:06	Big game transportation requirements	\$25	\$97.50	NOHH
41:06:03:11	Wildlife processing facility records violations	\$25	\$97.50	WLRV
41:06:04:01	Disturbing wildlife prohibited	\$75	\$147.50	DISW
41:06:04:03	Big game methods prohibited (bait station/electronic call)	\$100	\$172.50	BGMT
41:06:04:04	Nonlicensee armed accompaniment prohibited	\$25	\$97.50	ULAC
41:06:04:05	Hunting without signed Federal Migratory Bird Stamp	\$25	\$97.50	MBRD
41:06:04:05	Lead shot in a steel shot zone while hunting waterfowl	\$25	\$97.50	LEDS
41:06:04:05	Unplugged shotgun for waterfowl (<i>3-shell maximum</i>)	\$25	\$97.50	PLUG
41:06:04:05.01	Lead shot while hunting small game on certain public lands	\$25	\$97.50	NTXS
41:06:04:06	Use of vehicle/boat to disturb or chase game	\$100	\$172.50	MVGM
41:06:04:07	Protrusion of firearms from vehicle on highway	\$50	\$122.50	GGUN
41:06:04:08	Use of two-way radio in vehicle while hunting	\$50	\$122.50	HRDO
41:06:04:12	Hunting game birds with unlawful firearm	\$50	\$122.50	HTBR
41:06:34:03	Exceeding legal limit - cottontail rabbit, each	\$25 ea	\$72.50 costs	CRHT
41:06:35:03	Exceeding legal limit - tree squirrel, each	\$25 ea	\$72.50 costs	TSHT

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STATUTE	OFFENSE	FINE	TOTAL	CODE
41:06:40:05	Shooting doves not in flight	\$25	\$97.50	DOVE
41:06:61:06	Mountain lion license/season restriction	\$50	\$122.50	LION
<u>Park/Public Land Offenses</u>				
5-4-15	Unauthorized fires	\$54	\$132.50	STFR
34-35-16	Starting fire within Black Hills Fire Protection District without permit	\$54	\$132.50	FBHF
34-35-21	Use of certain explosive targets in Black Hills Fire Protection District	\$54	\$132.50	ETBH
34-37-11	Setting off fireworks on state land	\$54	\$132.50	FWPK
34-37-19	County regulation of fireworks	\$54	\$132.50	FWFD
34A-7-6	Littering public or private lands or waters	\$104	\$182.50	WLTR
34A-7-7	Littering from motor vehicle (also moving traffic violation for record)	\$104	\$182.50	LTTR
41-9-10	Operating vehicles on school and public lands	\$54	\$132.50	OVSC
41-17-27	Operating motor vehicles on Mickelson Trail	\$54	\$132.50	MCTR
41:03	Miscellaneous unlisted park violations	\$50	\$122.50	<i>Various</i>
41:03:01:01	Unauthorized land use on posted GFP property	\$50	\$122.50	UAUT
41:03:01:01.01	Unauthorized land use - curfew	\$50	\$122.50	CURF
41:03:01:02	Leaving property on GFP lands	\$50	\$122.50	PRDT
41:03:01:05	Destruction/removal of natural features	\$50	\$122.50	DSPR
41:03:01:11	Disturbance Prohibited (hours 11 PM and 6 AM, state parks, nature areas, lakeside use areas, and recreation areas only)	\$50	\$122.50	SPEK
41:03:01:16.02	Restrictions on use of firearms	\$50	\$122.50	FRBW
41:03:01:16.04	Lead shot target shooting on public lands	\$25	\$97.50	LSTG
41:03:01:19	Tree stand violations	\$25	\$97.50	GTRE

STATUTE	OFFENSE	FINE	TOTAL	CODE
41:03:01:23	Placing residential trash at GFP trash facilities	\$75	\$147.50	GTSH
41:03:01:24	Glass containers prohibited	\$50	\$122.50	GLAS
41:03:01:25	Jumping/diving prohibited	\$50	\$122.50	JMDV
41:03:01:29	Prohibited use of metal detector	\$50	\$122.50	MTDT
41:03:01:31	Alcoholic beverage prohibited	\$54	\$126.50	ALCP
41:03:01:35	Bait stations prohibited	\$100	\$172.50	BSPB
41:03:01:36	Limitation of trail cameras	\$25	\$97.50	LTCM
41:03:02:01	Operating vehicles off roads on land owned, leased or controlled by the Dept. of Game, Fish & Parks	\$50	\$122.50	DVRD
41:03:02:02	Speeding on GFP land	\$25	\$97.50	SPPK
41:03:02:02	Violating traffic or parking signs or markings on GFP land	\$25	\$97.50	TSIP
41:03:02:05	Exhibition driving	\$50	\$122.50	PKEX
41:03:03:03	No park license	\$50	\$122.50	PRKS
41:03:04:02	No camping permit	\$25	\$97.50	PRMT
41:03:05:01	Failure to pay Mickelson Trail fee	\$25	\$97.50	TRAL

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- (1) Fishing Privileges Revoked
 - (2) Hunting Privileges Revoked
 - (3) Trapping Privileges Revoked

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/county 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 July 1, 2023, and shall continue in effect until further Order of the Court.

Dated at _____, South Dakota, this _____ day of _____, 2023.

BY THE COURT

Presiding Circuit Judge

ATTEST:

Clerk of Court

GUIDELINES FOR TRUCK OVERWEIGHT OFFENSES

Note: A magistrate court with a clerk magistrate presiding has concurrent jurisdiction to accept an overweight truck civil penalty imposed pursuant to SDCL 32-22-55 only if the civil penalty is paid in full as part of a guilty plea. If the driver cannot pay the penalty in full as part of the guilty plea, the clerk must contact the magistrate or circuit court judge to set the bond.

The overweight violation cited under § 32-22-52 is a Class 2 misdemeanor, the penalty for which is a \$104 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 \$78.50 should be added. A circuit judge may waive any or all of this \$78.50 amount.

Any portion of the fine (or \$78.50 liquidated costs and surcharges) that is suspended shall be deducted from the above computation. No part of the cash penalty can be suspended.