

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAY 27 2021

* * * *

RE:

Shif A. Johnson Legal
Clerk

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS

IN CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT

IN RE THE ADMINISTRATION OF)
THE FOURTH JUDICIAL CIRCUIT)

ORDER APPROVING

ADMINISTRATIVE ORDER
RE: COVID-19 PANDEMIC RESPONSE

Civ. 21-1

By the Court's Order of March 13, 2020, Declaring Judicial
Emergency COVID-19 Disease the South Dakota Supreme Court declared the
existence of a judicial emergency pursuant to SDCL 16-3- 11 through 15
and pursuant to the Court's authority to administer justice and to
ensure the safety of court personnel, litigants and the public, it is

ORDERED that the attached Order Regarding COVID-19 Pandemic
Response, Dated May 27, 2021, be and it is hereby approved in its
entirety.

IT IS FURTHER ORDERED that this order shall remain in effect
until further order of the Court.

DATED at Pierre, South Dakota this 27th day of May, 2021.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen, Chief Justice

STATE OF SOUTH DAKOTA

)
:SS

IN CIRCUIT COURT

COUNTY OF BUTTE

)

FOURTH JUDICIAL CIRCUIT

IN RE THE ADMINISTRATION OF
THE FOURTH JUDICIAL CIRCUIT

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Civ. 21-1

ADMINISTRATIVE ORDER
RE: COVID-19 PANDEMIC RESPONSE

Pursuant to the March 13, 2020 South Dakota Supreme Court Order Declaring Judicial Emergency, as well as applicable provisions of SDCL 16-2-21, in dealing with the COVID-19 Pandemic, the Honorable Michael W. Day, Presiding Judge of the Fourth Judicial Circuit, enters the following administrative order.

IT IS HEREBY ORDERED that this order supersedes all previous Fourth Circuit COVID-19 Orders and is effective immediately unless otherwise noted in this order.

IT IS FURTHER ORDERED that effective June 1, 2021, in the Fourth Judicial Circuit, no person is required to wear face coverings in any courtroom, public court area, or court office unless asked to do so by a judge, court services officer, or other 4th Circuit court employee, or if the person is in law enforcement custody and the law enforcement agency requires a mask to be worn by the person;

IT IS FURTHER ORDERED that 4th Circuit court employees are not required to wear face coverings in any court areas unless asked to do so by their supervisor or a judge;

IT IS FURTHER ORDERED that the Fourth Circuit has approved the posting of signs that ask all persons entering for court business to self-screen for health concerns. The judges may also request that county sheriff offices assist with screening during court days;

IT IS FURTHER ORDERED that each county in the Fourth Circuit shall continue to provide staff to regularly clean and disinfect all courtrooms, court chambers, offices, and adjacent areas;

IT IS FURTHER ORDERED that whenever SDCL 15-5A permits a hearing to be conducted by ITV, with the permission of the judge hearing the case, parties and/or counsel are permitted and encouraged to appear by telephone, Zoom, or other electronic means. All parties, attorneys, media, and persons who want to be present for or participate in a court hearing or trial should contact the county clerk of court's office to determine if they can appear telephonically or by electronic means. Requests for such appearances must be made as far in advance of the hearing as possible;

IT IS FURTHER ORDERED that the circuit judge assigned to the criminal court docket in each county in the Fourth Circuit, with input from any assigned magistrate judge or clerk magistrate in that county, has the authority to alter the Fourth Circuit Arrest & Bond Procedures and the Fine and Bond Schedule for Use by Clerk Magistrates to provide for unsecured bonds in lieu of secured bonds;

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SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT

By _____

IT IS FURTHER ORDERED that if law enforcement testing is not available to perform any HOPE probation testing in any Fourth Circuit county, court services will perform periodic testing of the probationer in lieu of the normal HOPE probation testing;

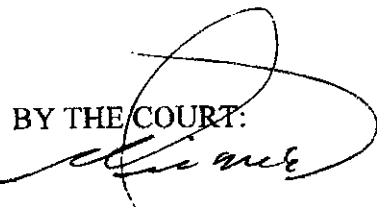
IT IS FURTHER ORDERED that if any 24/7 testing center in the Fourth Circuit determines it cannot continue to provide 24/7 testing in whole or in part, the circuit court judge assigned to the criminal docket in that county, as well as the presiding judge, shall work with that 24/7 testing center to discuss the length and extent of the cessation of testing, with the goal of making any cessations as short and limited as possible;

IT IS FURTHER ORDERED that if 24/7 testing becomes unavailable in any county in which it was available when a permit was issued, any driving permit that has been issued pursuant to SDCL 32-23-23 or other law is subject to being continued or revoked by the issuing judge as that judge determines appropriate based upon the circumstances of the individual case;

IT IS FURTHER ORDERED that with consultation between the judge, parties, and counsel, jury trials may be scheduled, held, or continued based on the ability of the trial to be held in keeping with CDC guidelines and recommendations;

IT IS FURTHER ORDERED that this Order shall continue in effect until modified or terminated by the Presiding Judge.

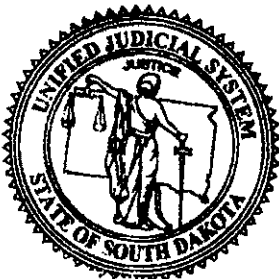
Dated this 27th day of May, 2021.

BY THE COURT:


MICHAEL W. DAY
Presiding Circuit Judge

ATTEST:


Clerk of Courts



FILED

MAY 27 2021

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT

By _____