

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

790Q0104

## HOUSE BILL NO. 1085

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning magistrate judge  
2 jurisdiction.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 16-12B-8 be amended to read as follows:

5 16-12B-8. A magistrate court with a magistrate judge presiding has concurrent jurisdiction  
6 with the circuit courts:

7 (1) To accept defaults for petty offenses;

8 (2) To try contested cases involving a petty offense;

9 (3) To take pleas of guilty, not guilty, nolo contendere for any criminal offense; or

10 (4) To take pleas of guilty, not guilty, nolo contendere for violation of any ordinance,  
11 bylaw, or other police regulation of a political subdivision;

12 if the punishment is a fine not exceeding two thousand dollars or imprisonment for a period not  
13 exceeding one year, or both such fine and imprisonment and to impose sentence upon a plea of  
14 guilty or nolo contendere. Acceptance of not guilty or nolo contendere pleas shall be in  
15 accordance with §§ 23A-7-2 and 23A-7-8, as applicable. A magistrate court with a magistrate



- 1 judge presiding has concurrent jurisdiction with the circuit courts to try cases for all violations
- 2 under § 32-22-55 that involve civil penalties, notwithstanding the amount of the civil penalty.