

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0208

SENATE BILL NO. 41

Introduced by: The Committee on Judiciary at the request of the Department of Game, Fish,
and Parks

1 FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions requiring court
2 appearances for violations of game, fish and parks statutes.

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

4 Section 1. That § 41-15-11 be amended to read as follows:

5 41-15-11. ~~Except as otherwise specifically provided, whenever~~ If any resident is arrested for
6 a violation of any provision of this title, punishable as a misdemeanor, the arresting officer shall
7 take the name and address of the person and information relative to the violation and issue ~~him~~
8 the person a summons in writing to appear ~~at a time and place, the time to be within five days~~
9 ~~after the arrest unless the person arrested demands an earlier hearing~~ in court. The officer shall
10 release the person from custody upon receiving from ~~him~~ the person a written promise to appear
11 at the time and place designated by the officer. A nonresident arrested for a violation of chapter
12 41-9, fishing, hunting, or trapping on private land, shall be required to post bond in the amount
13 set forth on the fine and bond schedule provided by the presiding circuit court judge, or in an
14 amount set by a magistrate or judge for that offense, before being released from custody. A
15 nonresident arrested for any other violation of the provisions of this title, except chapter 41-9,
16 may be required to post bond in the amount outlined above before being released from custody.

1 Any person who intentionally violates ~~his~~ the written promise to appear, given in accordance
2 with the provisions of this section, is guilty of a Class 2 misdemeanor.

3 Section 2. That § 41-15-12 be repealed.

4 ~~—41-15-12. Any person arrested for a violation of any provision of this title, punishable as a~~
5 ~~misdemeanor or petty offense, shall, if he so desires, have a right to an immediate hearing or a~~
6 ~~hearing within twenty-four hours at a convenient hour, and such hearing to be before a~~
7 ~~magistrate within the county wherein such offense was committed.~~