

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0342

HOUSE BILL NO. 1033

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 permit persons arrested for certain boating violations to
2 be released upon execution of a promise to appear in court or upon furnishing a bond and
3 to provide a penalty for failure to appear in court.

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

5 Section 1. That chapter 42-8 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If any resident of the state is arrested for a violation of any provision of this chapter or
8 chapter 32-3A, punishable as a Class 2 misdemeanor, the arresting officer shall obtain the name
9 and address of the person and information relative to the violation and issue the person a
10 summons in writing to appear in court. The officer shall release the resident from custody upon
11 receiving from the person a written promise to appear at the time and place designated by the
12 officer.

13 If any nonresident is arrested for a violation of any provision of this chapter or chapter 32-
14 3A, punishable as a Class 2 misdemeanor, the arresting officer shall obtain the name and
15 address of the person and information relative to the violation. The arresting officer may issue



1 the person a summons in writing to appear in court or may require the nonresident to furnish a
2 bond in the amount set forth on the fine and bond schedule provided by the presiding circuit
3 court judge, or in an amount set by a magistrate or judge for that offense, before being released
4 from custody. If the officer issues the nonresident a summons in writing to appear in court the
5 officer shall release the nonresident from custody upon receiving from the person a written
6 promise to appear at the time and place designated by the officer.

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