

# Misdemeanor Standard Sentences

Class 1 Offenses	Judge Bern Standard Sentence	Additional Notes
DUI 1 <sup>st</sup> (M1)	\$350 fine, \$84 costs, \$50 county assessment fees, \$90 blood, 30 days SD DL revocation	
DUI 1 <sup>st</sup> (over .17 BAC) (M1)	\$350 fine, \$84 costs, \$90 blood, 30 days revocation. Additionally, 5 days jail suspended on condition of alcohol evaluation (completed & compliance with recommendation).	
DUI 2 <sup>nd</sup> (M1)	\$500 fine, \$84 costs, \$90 blood, 30 days jail with 20 suspended on condition that alcohol evaluation (completed and complied with) 1 year license revocation (permit at court's discretion with enrollment in 24/7).	
Simple Assault (Domestic) (M1)	\$300 fine, \$84 costs, \$25 Domestic Violence Prevention fund, 30 days suspended on conditions*	
Possession of Marijuana (M1)	\$455 fines & costs, \$45 drug control fee	
Ingestion (M1)	\$500 fines/costs \$45 blood costs	
Substitution/Trafficking in License Plates (M1)	\$384 fines and costs	
Driving with Suspended DL (M1)	\$270 fines and costs	
Possession of Suspended DL (M1)	\$300 Fines \$84 Costs	SDCL 32-12-66 will extend a period of suspension for an additional like period (administratively)
Driving while Revoked (M1)	\$300 fine \$84 costs.	SDCL 32-12-66 will extend a period of revocation for an additional year beyond original revocation period (administratively).
Furnishing Alcohol to a Minor (M1)	\$500 DL suspended 30 days, 14 days in jail with 2 suspended	
Trespassing (M1)	\$300 fine, \$84 costs, 30 days suspended on condition of no similar offenses	
Reckless Driving (M1)	\$300 fine, \$84 costs	Pursuant to DUI reduction + \$90
Violation of Protection Order (M1)	\$300 fine, \$84 costs, 15 days in jail suspended on condition of no similars (1 year)	
Petty Theft NSF (M1)	\$300 fine, \$84 costs. 5 days suspended on restitution	Service Fee (post-2014 \$20 per check) in addition to restitution
<b>Class 2 Misdemeanors</b>		
Disorderly Conduct (M2)	\$100 fine, \$66 costs, 14 days jail suspended on condition of no similars (1 year)	
Careless Driving (M2)	\$120 fines & costs	
Careless Driving (DUI reduction) (M2)	\$350 fine, \$66 court costs, and \$90 blood costs.	
Exhibition Driving (M2)	\$120	
Overdriving Conditions	\$120	
.02 Violation (M2)	\$100 fine, \$66 costs, \$90 blood, 30 days revocation (1 <sup>st</sup> offense)	SDCL 32-23-21 revocation implications. Permit may be issued by Court upon proof of insurance. (2 <sup>nd</sup> offense 180 days, 34 <sup>rd</sup> offense 1 year).
Possession of Paraphernalia (M2)	\$270 fines and costs	
Possession of Paraphernalia in MV (M2)	\$270 fines and costs plus. Additionally, 90 days revocation period	Pursuant to SDCL 32-13-52.3 (provided first offense).
No Insurance (M2)	\$64 Fine, \$66 Court Costs, 30 days Driver's license revocation	
Minor in Possession/Consumption	\$64 fine, \$66 costs, 30 days DL revocation (1 <sup>st</sup> offense)	DL revocation pursuant to SDCL 35-9-8. Permit permissible for work/school
No Valid DL (M2)	\$120 fines & costs. Additional, 30 day revocation	
No Registration (M2)	\$120 fines & costs	
Open Container (M2)	\$120 fines and costs	
Move Over Violation	\$120	
<b>Petty Offenses</b>	\$25 fine	
<b>Motor Carrier Offenses</b>	Generally \$170 fine & costs (may have civil penalty)	

**Speeding Fine Chart**

1-5 over \$85 total  
6-10 over \$105  
11-15 over \$125  
16-20 over \$145  
21-25 over \$165  
26 and up \$220