2021 South Dakota Legislature

House Bill 1069

SENATE JUDICIARY ENGROSSED

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

1   **An Act to modify the expenditures that are recoverable as disbursements by a**
2   **prevailing party in a civil action or a special proceeding.**

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

4   **Section 1.** That § 15-17-37 be AMENDED.

5   **15-17-37. Prevailing party recovery--Taxation.**

6   The prevailing party in a civil action or special proceeding may recover
7   expenditures necessarily incurred in gathering and procuring evidence or bringing the
8   matter to trial. Such expenditures include costs of telephonic hearings, costs of telephoto
9   or fax charges, fees of witnesses, ~~interpreters, translators,~~ interpreter or translator
10   expenditures not otherwise covered pursuant to § 15-17-37.1, officers, printers, service
11   of process, filing, expenses from telephone calls, copying, costs of original and copies of
12   transcripts and reporter's attendance fees, and court appointed experts~~, and other similar~~
13   ~~expenses and charges~~. These expenditures are termed "disbursements" and are taxed
14   pursuant to § 15-6-54(d).

15   **Section 2.** That a NEW SECTION be added:

16   **15-17-37.1. Interpreter or translator services--Payment.**

17   When a witness or party needs a language interpreter or translator in a civil action
18   or special proceeding, the court shall procure and appoint a disinterested interpreter or
19   translator. The interpreter or translator shall be compensated for services provided in the
20   court proceeding that the court certifies to be reasonable and just. The payment for the
21   services of the interpreter or translator shall be made from funds appropriated for the
22   operation of the courts. A civil action for purposes of this section does not include abuse
23   and neglect, juvenile, involuntary commitment, mental illness, or protection order
24   proceedings.

         <u>Underscores</u> indicate new language.
~~Overstrikes~~ indicate deleted language.