



2023 South Dakota Legislature

Senate Bill 54

Introduced by: **Senator Duhamel**

1 **An Act to require a convicted defendant to reimburse for the cost of digital forensic**
2 **examination fees.**

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

4 **Section 1. That chapter 23A-27 be amended with a NEW SECTION:**

5 A person who is convicted of any felony or misdemeanor shall, as part of the
6 sentence imposed by the court, pay for the reimbursement of the cost of any digital
7 forensic examination performed on any personal electronic device in the investigation and
8 prosecution of the crime for which the defendant is convicted. The fee assessed may not
9 exceed ninety-five dollars. Fees collected pursuant to this section by the Unified Judicial
10 System shall be deposited in a special revenue fund for reimbursement to the Office of
11 the Attorney General for the costs of administering digital forensic examination
12 procedures.

13 For the purposes of this section, the term personal electronic device means any
14 portable electronic device that is designed for and capable of wireless communication or
15 electronic data retrieval, including a cellular telephone, tablet, laptop, computer, or two-
16 way messaging device.

17 **Section 2. That § 23A-27-25 be AMENDED:**

18 **23A-27-25.** All fines and pecuniary penalties, other than forfeitures provided for
19 in § 23A-43-23, costs as provided in §§ 23-3-52, section 1 of this Act, 23A-27-26, and
20 23A-27-27, restitution and civil penalties assessed under the state's environmental laws,
21 for the violation of any state law, when collected, shall be paid into the treasury of the
22 proper county, the net proceeds of which shall be applied and used each year for the
23 benefit of the public schools of this state.