



2024 South Dakota Legislature

Senate Bill 15

Introduced by: **Senator Duhamel**

1 **An Act to require a convicted defendant to reimburse 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 convicted of a felony or misdemeanor shall, as part of the sentence
 6 imposed by the court, pay for the reimbursement of the cost of any digital forensic
 7 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 for each device. Fees collected pursuant to this section by the
 10 Unified Judicial System must be deposited in a special revenue fund for reimbursement to
 11 the Office of the Attorney General for the costs of administering digital forensic
 12 examination 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~~ Except as provided below, all fines and pecuniary penalties, other
 19 than forfeitures provided for in § 23A-43-23, costs as provided in §§ 23-3-52, 23A-27-26,
 20 and 23A-27-27, restitution and civil penalties assessed under the state's environmental
 21 laws, collected for the violation of any state law, when collected, shall must be paid into
 22 the treasury of the proper county, the net proceeds of which shall must be applied and
 23 used each year for the benefit of the public schools of this state. This section does not
 24 apply to forfeitures provided for in § 23A-43-23, costs as provided in §§ 23-3-52, section

1 1 of this Act, 23A-27-26, and 23A-27-27, and restitution and civil penalties assessed under
2 the state's environmental laws.