



2024 South Dakota Legislature

Senate Bill 15

SENATE ENGROSSED

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 the internet crimes investigation fund,
 11 created in section 3 of this Act.

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

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

17 **23A-27-25.** All~~Except as provided below, all fines and pecuniary penalties, other~~
 18 ~~than forfeitures provided for in § 23A-43-23, costs as provided in §§ 23-3-52, 23A-27-26,~~
 19 ~~and 23A-27-27, restitution and civil penalties assessed under the state's environmental~~
 20 ~~laws, collected for the violation of any state law, when collected, shall~~ must be paid into
 21 the treasury of the proper county, the net proceeds of which ~~shall~~ must be applied and
 22 used each year for the benefit of the public schools of this state. This section does not
 23 apply to forfeitures provided for in § 23A-43-23, costs as provided in §§ 23-3-52, section
 24 1 of this Act, 23A-27-26, and 23A-27-27, and restitution and civil penalties assessed under
 25 the state's environmental laws.

1 **Section 3. That a NEW SECTION be added to chapter 1-11:**

2 There is hereby established in the state treasury the internet crimes investigation
3 fund. The fund consists of all fees imposed pursuant to section 1 of this Act. The attorney
4 general shall maintain and administer the fund. Interest on moneys credited to the fund
5 must be deposited in the fund. Expenditures out of the fund must be appropriated through
6 the General Appropriations Act. Expenditures from the fund must be used for operational
7 expenses including computer hardware, software licensing, and training for the office of
8 internet crimes investigation, established in § 1-11-16, and the internet crimes against
9 children unit.