

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

652B0703

HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1186** - 2/14/2019

Introduced by: Representatives Finck, Johns, Peterson (Kent), Qualm, and Schoenfish and
Senators Blare and Nelson

1 FOR AN ACT ENTITLED, An Act to provide for repayment of costs incurred by a county
2 related to crimes involving certain persons in state facilities.

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

4 Section 1. That § 1-14-3.1 be amended to read:

5 1-14-3.1. There is established in the state treasury the extraordinary litigation fund. The fund
6 shall be maintained separately and administered by the Bureau of Administration. The fund may
7 be used for plaintiff attorney fee awards, retention of outside counsel, settlement costs, the costs
8 incurred on or after July 1, 2018, by a county for the prosecution of any person who is an inmate
9 of a state prison or a ward of a state facility charged with a criminal violation, the costs incurred
10 on or after July 1, 2018, by a county for the defense of a person who is a qualifying indigent and
11 is an inmate of a state prison or ward of a state facility charged with a criminal violation, or
12 other litigation expenses not otherwise eligible to be paid under § 3-22-1. Unexpended money
13 and any interest that may be credited to the fund shall remain in the fund. The extraordinary
14 litigation fund, including any subfunds created within it, is hereby continuously appropriated



1 and shall be budgeted through the informational budget process. The creation and funding of
2 this fund does not constitute a waiver of the state's sovereign immunity.

3 The life protection subfund is established within the extraordinary litigation fund. The
4 subfund shall be used to cover the litigation costs, including expert witness fees and attorney
5 fees awarded under 42 U.S.C. § 1988 or other applicable statutes, associated with defending
6 South Dakota statutes that regulate or proscribe abortion or contraception. In addition to moneys
7 that the Legislature may appropriate to the subfund, the commissioner of the Bureau of
8 Administration may accept private contributions for the subfund's purposes and deposit those
9 moneys in the subfund. The life protection litigation subfund shall retain the interest income
10 derived from the moneys credited to the subfund in accordance with § 4-5-30.