

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

652B0703

HOUSE ENGROSSED NO. **HB 1186** - 2/21/2019

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, costs in
8 excess of one thousand five hundred dollars incurred on or after July 1, 2018, by a county for
9 the prosecution of any person who is an inmate of a state prison or a ward of a state facility
10 charged with a criminal violation that occurred after the person's incarceration, the costs
11 incurred on or after July 1, 2018, by a county for the defense of a person who is a qualifying
12 indigent and is an inmate of a state prison or ward of a state facility charged with a criminal
13 violation that occurred after the person's incarceration, or other litigation expenses not otherwise
14 eligible to be paid under § 3-22-1. Unexpended money and any interest that may be credited to
15 the fund shall remain in the fund. The extraordinary litigation fund, including any subfunds



1 created within it, is hereby continuously appropriated and shall be budgeted through the
2 informational budget process. The creation and funding of this fund does not constitute a waiver
3 of the state's sovereign immunity.

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