



2020 South Dakota Legislature

Senate Bill 26

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 **An Act to increase the assessment of liquidated court costs and to revise the**
 2 **disposition of the funds collected.**

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

4 **Section 1.** That § 23-3-52 be AMENDED:

5 **23-3-52. Liquidated costs--Amount--Purposes--Waiver.**

6 In addition to any other penalty, assessment, or fine provided by law, there shall
 7 be levied liquidated costs in the amount of ~~forty~~ fifty dollars for partial reimbursement to
 8 state government and its subdivisions for law enforcement and judicial expenses incurred
 9 in providing the personnel, training, and facilities relative to the criminal justice system
 10 and to the 911 emergency reporting system, on each conviction for the following:

- 11 (1) Violation of state statutes or regulations having criminal penalties; or
 12 (2) Violation of county or municipal ordinances.

13 If a fine is suspended in whole or in part, the liquidated costs for law enforcement and
 14 training may not be reduced, except that the judge may waive all or any part of the
 15 payment of liquidated costs which would work a hardship on the person convicted or on
 16 the person's immediate family.

17 **Section 2.** That § 23-3-53 be AMENDED:

18 **23-3-53. [Effective until July 1, 2021] Collection of amount--Transmittal to**
 19 **state treasurer--Funds--Uses.**

20 After a determination by the court of the amount due, the clerk of courts shall
 21 collect the amount due and transmit ~~such~~ the amount monthly to the state treasurer. The
 22 state treasurer shall place thirty dollars of the ~~forty~~ fifty dollar fee into the law enforcement
 23 officers training fund, six dollars of the ~~forty~~ fifty dollar fee into the court appointed
 24 attorney and public defender payment fund, two dollars of the ~~forty~~ fifty dollar fee into
 25 the court appointed special advocates fund, ~~one dollar~~ eleven dollars of the ~~forty~~ fifty

1 dollar fee into the 911 telecommunicator training fund, and one dollar of the ~~forty~~ fifty
2 dollar fee into the abused and neglected child defense fund.

3 **Section 3.** That § 23-3-53 be AMENDED:

4 **23-3-53. [Effective July 1, 2021] Collection by clerk of courts--Transmittal**
5 **to state treasurer--Funds--Uses.**

6 After a determination by the court of the amount due, the clerk of courts shall
7 collect the amount due and transmit ~~such~~ the amount monthly to the state treasurer. The
8 state treasurer shall place ~~thirty~~ thirty-seven dollars of the ~~forty~~ fifty dollar fee into the
9 law enforcement officers training fund, ~~six dollars~~ seven dollars and fifty cents of the ~~forty~~
10 fifty dollar fee into the court appointed attorney and public defender payment fund, two
11 dollars of the ~~forty~~ fifty dollar fee into the court appointed special advocates fund, ~~one~~
12 dollar two dollars and fifty cents of the ~~forty~~ fifty dollar fee into the 911 telecommunicator
13 training fund, and one dollar of the ~~forty~~ fifty dollar fee into the abused and neglected
14 child defense fund.

15 **Section 4.** Section 3 of this Act is effective on July 1, 2021.