



2020 South Dakota Legislature

House Bill 1087

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 **An Act to authorize a clerk of courts to provide certain notices by electronic mail.**

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

3 **Section 1.** That § 15-15-4 be AMENDED:

4 **15-15-4. Sale or destruction of exhibits if not collected when judgment**
 5 **final--Retention of necessary copies--Fee.**

6 ~~Whenever~~ When the decision or judgment of the court ~~has become~~ becomes final,
 7 the clerk of courts shall give notice to the attorneys or parties of record ~~by registered or~~
 8 ~~certified mail~~ that the exhibits in the possession of the clerk, if not collected within thirty
 9 days, ~~shall~~ will upon order of the court be destroyed or sold at sale under chapter 15-19.
 10 The clerk of courts shall give notice by electronic mail, if an electronic mail address is
 11 designated for service, or by first-class mail, if an electronic mail address is not
 12 designated. However, upon proper application to the court, the exhibit may be preserved
 13 as a part of the permanent record in the files. If an exhibit is a necessary part of the
 14 judgment or consists of a written instrument establishing the liability of a party against
 15 whom judgment has been rendered, the clerk shall retain a copy of ~~it shall be made and~~
 16 ~~retained by the clerk the exhibit~~ and cancel the original ~~canceled~~ by endorsement across
 17 ~~its the face of the original before being returned~~ returning the exhibit to the person the
 18 court determines is entitled thereto as determined by the court to receive it. Unless the
 19 person entitled ~~thereto as determined by the court shall furnish~~ to receive the exhibit
 20 furnishes a true copy of ~~such the exhibit, he the person~~ shall pay the fee of the clerk for
 21 making ~~such the~~ the copy.