

2020 South Dakota Legislature

Senate Bill 26**AMENDMENT 26E FOR THE INTRODUCED BILL**

1 **An Act to increase for one year the assessment of liquidated court costs and to**
2 **revise the 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 For the period beginning on July 1, 2020, and ending on June 30, 2021, the
14 liquidated costs levied under this section shall be in the amount of fifty dollars.

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

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

20 **23-3-53. Collection of amount--Transmittal to state treasurer--Funds--Uses.**

21 After a determination by the court of the amount due, the clerk of courts shall
22 collect the amount due and transmit ~~such the~~ amount monthly to the state treasurer. The
23 state treasurer shall place thirty dollars of the ~~forty-fifty~~ dollar fee into the law enforcement
24 officers training fund, six dollars of the ~~forty-fifty~~ dollar fee into the court appointed

1 attorney and public defender payment fund, two dollars of the ~~forty-fifty~~ dollar fee into
2 the court appointed special advocates fund, ~~one dollar~~ eleven dollars of the ~~forty-fifty~~
3 dollar fee into the 911 telecommunicator training fund, and one dollar of the ~~forty-fifty~~
4 dollar fee into the abused and neglected child defense fund.

5 For the period beginning on July 1, 2020, and ending on June 30, 2021, the state
6 treasurer shall place thirty dollars of the fifty dollar fee into the law enforcement officers
7 training fund, six dollars of the fifty dollar fee into the court appointed attorney and public
8 defender payment fund, two dollars of the fifty dollar fee into the court appointed special
9 advocates fund, eleven dollars of the fifty dollar fee into the 911 telecommunicator training
10 fund, and one dollar of the fifty dollar fee into the abused and neglected child defense
11 fund.

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

13 ~~23-3-53. [Effective July 1, 2021] Collection by clerk of courts—Transmittal to state treasurer—~~
14 ~~Funds—Uses.~~

15 ~~After a determination by the court of the amount due, the clerk of courts shall collect the~~
16 ~~amount due and transmit such the amount monthly to the state treasurer. The state treasurer~~
17 ~~shall place thirty thirty seven dollars of the forty fifty dollar fee into the law enforcement~~
18 ~~officers training fund, six dollars seven dollars and fifty cents of the forty fifty dollar fee into~~
19 ~~the court appointed attorney and public defender payment fund, two dollars of the forty fifty~~
20 ~~dollar fee into the court appointed special advocates fund, one dollar two dollars and fifty~~
21 ~~cents of the forty fifty dollar fee into the 911 telecommunicator training fund, and one dollar~~
22 ~~of the forty fifty dollar fee into the abused and neglected child defense fund.~~

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