



2020 South Dakota Legislature  
**Senate Bill 26**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

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

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

After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit the amount monthly to the state treasurer. The state treasurer shall place thirty dollars of the fifty dollar fee into the law enforcement officers training fund, six dollars of the fifty dollar fee into the court appointed attorney and public defender payment fund, two dollars of the fifty dollar fee into the court appointed special advocates fund, eleven dollars of the fifty dollar fee into the 911 telecommunicator training

fund, and one dollar of the fifty dollar fee into the abused and neglected child defense fund.

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

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

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

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

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

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I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 26

2020 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2020  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 26  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State