

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

385C0537

SENATE BILL NO. 70

Introduced by: Senators Bogue, Benson, Dennert, Drake, Hutmacher, and Rounds and
Representatives Michels and Hunt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to fees and mileage for
2 witnesses.

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

4 Section 1. That § 19-5-1 be amended to read as follows:

5 19-5-1. Each witness shall receive, for each day's attendance before any court, board, or
6 tribunal in any civil or criminal case twenty dollars and ~~for each mile actually traveled by the~~
7 ~~usual route of travel, each way twenty-one cents~~ mileage at such rate as may be established
8 pursuant to § 3-9-1. Such mileage is limited to ~~the distance from the place of trial to the point~~
9 ~~where such witness first entered the state, if he comes from without the state~~ each mile actually
10 and necessarily traveled. In any criminal case involving violation of a state law, witness fees on
11 the part of the state shall be paid by the proper county, and the fees of any material witness on
12 the part of the defendant shall be paid by the county unless otherwise ordered by the court. In
13 any case involving violation of an ordinance, the local unit of government passing the ordinance
14 shall pay the witness fees unless otherwise ordered by the court.

15 However, no ~~individual~~ person may receive witness fees if ~~he is~~ serving a period of
16 incarceration in a state, county or municipal facility at the time ~~he~~ that person appears as a

1 witness.