AN ACT

ENTITLED, An Act to provide for the funding of certain court appointed special advocate grant programs and to establish the Court Appointed Special Advocates Commission.

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

Section 1. Terms used in this Act mean:

(1) "CASA," court appointed special advocate;

(2) "Commission," the Court Appointed Special Advocates Commission;

(3) "Fund," court appointed special advocates fund; and

(4) "Grant program," the court appointed special advocates grant program.

Section 2. The court appointed special advocates grant program is hereby established. Under the grant program, the commission shall award grants to entities within the state of South Dakota that are recognized by the National CASA Association, Incorporated, as administering CASA programs. Grants may also be awarded from money in the fund to the South Dakota CASA Association. Grants shall be awarded to support the development, growth, quality, and continuation of CASA programs in South Dakota.

Section 3. There is established within the state treasury the court appointed special advocates fund to be administered by the Unified Judicial System. Money shall enter the fund as provided in § 23-3-53 and through contributions, grants, settlement funds, payments ordered by the court, interest received on moneys in the fund, and any other fees and moneys collected for the purposes of this Act. Money in the fund shall be used for the purpose of funding and administering the grant program. Any expenditure from the fund shall be paid on warrants drawn by the state auditor on vouchers approved by the state court administrator of the Unified Judicial System.

Section 4. That § 23-3-52 be amended to read as follows:

23-3-52. In addition to any other penalty, assessment, or fine provided by law, there shall be

levied liquidated costs in the amount of twenty-seven 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 5. That § 23-3-53 be amended to read as follows:

23-3-53. After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit such amount monthly to the state treasurer. The state treasurer shall place seventeen dollars of the twenty-seven-dollar fee into the law enforcement officers training fund, six dollars of the twenty-seven-dollar fee into the court appointed attorney and public defender payment fund, two dollars of the twenty-seven-dollar fee into the court appointed special advocates fund, one dollar of the twenty-seven-dollar fee into the 911 telecommunicator training fund, and one dollar of the twenty-seven dollar fee into the abused and neglected child defense fund.

Section 6. There is created the Court Appointed Special Advocates Commission to make awards through the grant program and to perform related functions as provided in this Act. The commission is administered and staffed by the Unified Judicial System and consists of five residents of the state, appointed to three-year terms. The commission shall include one member appointed by the Governor with experience in the duties of investigation of child abuse and neglect, one member appointed by the Governor who is a current or former South Dakota legislator, one member appointed by the Governor who has experience in issues of child abuse and neglect in a tribal setting, one member

appointed by the Chief Justice of the Supreme Court who has a background in judiciary or legal services with experience and knowledge in abuse and neglect court proceedings, and one member appointed by the Chief Justice of the Supreme Court who has experience with providing treatment services to children who are victims of abuse and neglect. The commission shall meet as necessary to carry out its functions. Each member of the commission shall be paid mileage at the same rate as allowed for state employees and shall receive per diem compensation and allowable expense reimbursement in an amount set pursuant to § 4-7-10.4 for time spent attending commission meetings. However, no per diem may be paid to any commission member who is a state employee.

Section 7. The commission shall award grants as provided in this Act and publicize the availability of and procedures for obtaining grants under this Act.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1247

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Chief Clerk

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_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1247
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State