

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

178T0578

### HOUSE BILL NO. 1160

Introduced by: Representatives Tornow, Bolin, Boomgarden, Brunner, Fargen, Gibson, Gosch, Hansen (Jon), Hunt, Jones, Kopp, Nelson (Stace), Olson (Betty), Rozum, and Russell and Senators Olson (Russell), Heineman, Novstrup (Al), Peters, and Rhoden

1 FOR AN ACT ENTITLED, An Act to provide for the award of filing fees as court costs in  
2 certain appeals.

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

4 Section 1. That § 15-38-27 be amended to read as follows:

5 15-38-27. Before the expiration of the time for appeal, the appellant shall file a filing fee of  
6 ten dollars and a bond for costs on appeal or equivalent security to be approved by the court in  
7 a sum not less than one hundred dollars in any case, nor less than the amount of the judgment  
8 and costs, conditioned:

9 (1) To secure the payment of costs if the appeal is dismissed or the order or judgment  
10 affirmed; and

11 (2) To satisfy the judgment if it is affirmed.

12 All other proceedings before the magistrate court in the matter shall cease and be stayed  
13 from the time of the filing of the undertaking.

14 If the appellant prevails, the court shall award the filing fee to the appellant as court costs.

