

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

760B0416

SENATE BILL NO. 84

Introduced by: Senators Hunhoff, Halverson, and Hutmacher and Representatives Duniphan, Broderick, Chicoine, Moore, and Weber

1 FOR AN ACT ENTITLED, An Act to authorize sheriffs to collect fees for expenses incurred
2 in executing court orders.

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

4 Section 1. That chapter 7-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any sheriff may collect fees to recover reasonable expenses that are incurred as a result of
7 executing an order of the court. The party who initiated the court action shall pay the fees and
8 may pursue any available judicial remedy to recover such costs from the other parties involved
9 in the action. The party who initiated the court action may appeal to the judge who issued the
10 order for a reduction or waiver of all fees based upon ability to pay or reasonableness of
11 expenses.