



2023 South Dakota Legislature

Senate Bill 54

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Duhamel**

1 **An Act to require a convicted defendant to reimburse for the cost of digital forensic**
 2 **examination fees.**

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

4 **Section 1. That chapter 23A-27 be amended with a NEW SECTION:**

5 A person who is convicted of any felony or misdemeanor may, as part of the
 6 sentence imposed by the court, pay for the reimbursement of the cost of any digital
 7 forensic examination performed on any personal electronic device in the investigation and
 8 prosecution of the crime for which the defendant is convicted. The fee assessed may not
 9 exceed ninety-five dollars. Fees collected pursuant to this section by the Unified Judicial
 10 System shall be deposited in a special revenue fund for reimbursement to the Office of
 11 the Attorney General for the costs of administering digital forensic examination
 12 procedures.

13 For the purposes of this section, the term personal electronic device means any
 14 portable electronic device that is designed for and capable of wireless communication or
 15 electronic data retrieval, including a cellular telephone, tablet, laptop, computer, or two-
 16 way messaging device.

17 **Section 2. That § 23A-27-25 be AMENDED:**

18 **23A-27-25.** All fines and pecuniary penalties, other than forfeitures provided for
 19 in § 23A-43-23, costs as provided in §§ 23-3-52, section 1 of this Act, 23A-27-26, and
 20 23A-27-27, restitution and civil penalties assessed under the state's environmental laws,
 21 for the violation of any state law, when collected, shall be paid into the treasury of the
 22 proper county, the net proceeds of which shall be applied and used each year for the
 23 benefit of the public schools of this state.