

AN ACT

ENTITLED, An Act to revise the court automation surcharge in civil actions, small claims proceedings, criminal actions, and proceedings before the Supreme Court.

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

Section 1. That § 16-2-39 be amended to read as follows:

16-2-39. In each civil action, other than small claims actions, proceeding for judicial remedy, and probate proceeding, the clerk of courts shall collect the sum of fifteen dollars as a unified judicial system court automation surcharge. In each small claims action, the clerk of courts shall collect as a unified judicial system court automation surcharge the sum of three dollars if the amount in controversy is less than four thousand dollars and five dollars if the amount in controversy is four thousand dollars or more. The surcharge shall be collected from the plaintiff or person instituting the action or proceeding at the time of filing the first paper. The surcharge shall be collected by the clerk in the manner in which other fees are collected. However, the surcharge may not be collected in any civil action or proceeding for judicial remedy commenced by the state, a county, a municipality, or a school district.

Section 2. That § 16-2-41 be amended to read as follows:

16-2-41. In each criminal action, in addition to any other liquidated costs, penalty, assessment, or fine provided by law, there shall be levied a unified judicial system court automation surcharge according to the following schedule:

- (1) Violation of county or municipal ordinances or administrative rules having criminal penalties, five dollars and fifty cents;
- (2) Violation of state statute classified as a Class 2 misdemeanor, eight dollars and fifty cents;
- (3) Violation of a state statute classified as a Class 1 misdemeanor, fifteen dollars and fifty cents;
- (4) Violation of a state statute classified as a felony, twenty-five dollars and fifty cents.

Section 3. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as follows:

In each appeal, intermediate appeal, original proceeding, or other action filed in the Supreme Court, the clerk of the court shall collect the sum of twenty dollars as a unified judicial system court automation surcharge. However, the surcharge may not be collected in any proceeding commenced in the Supreme Court by the state, a county, a municipality, or a school district.

An Act to revise the court automation surcharge in civil actions, small claims proceedings, criminal actions, and proceedings before the Supreme Court.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1064

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. 1064
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State