

AN ACT

ENTITLED, An Act to revise certain court automation surcharges.

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 twenty 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 six dollars if the amount in controversy is less than four thousand dollars and eight 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, no surcharge may 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, eight dollars and fifty cents;
- (2) Violation of state statute classified as a Class 2 misdemeanor, eleven dollars and fifty cents;
- (3) Violation of a state statute classified as a Class 1 misdemeanor, twenty dollars and fifty cents;

(4) Violation of a state statute classified as a felony, thirty dollars and fifty cents.

Section 3. That § 16-2-41.1 be amended to read as follows:

16-2-41.1. 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-five dollars as a unified judicial system court automation surcharge. However, no surcharge may 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 certain court automation surcharges.

I certify that the attached Act  
originated in the

HOUSE as Bill No. 1103

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1103

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,

20\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_

\_\_\_\_\_  
Governor

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