

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

781J0301

## HOUSE BILL NO. 1103

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain court automation surcharges.

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

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

4 16-2-39. In each civil action, other than small claims actions, proceeding for judicial  
5 remedy, and probate proceeding, the clerk of courts shall collect the sum of ~~fifteen~~ twenty  
6 dollars as a unified judicial system court automation surcharge. In each small claims action, the  
7 clerk of courts shall collect as a unified judicial system court automation surcharge the sum of  
8 ~~three~~ six dollars if the amount in controversy is less than four thousand dollars and ~~five~~ eight  
9 dollars if the amount in controversy is four thousand dollars or more. The surcharge shall be  
10 collected from the plaintiff or person instituting the action or proceeding at the time of filing the  
11 first paper. The surcharge shall be collected by the clerk in the manner in which other fees are  
12 collected. However, ~~the~~ no surcharge may ~~not~~ be collected in any civil action or proceeding for  
13 judicial remedy commenced by the state, a county, a municipality, or a school district.

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

15 16-2-41. In each criminal action, in addition to any other liquidated costs, penalty,  
16 assessment, or fine provided by law, there shall be levied a unified judicial system court



1 automation surcharge according to the following schedule:

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

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

11 16-2-41.1. In each appeal, intermediate appeal, original proceeding, or other action filed in  
12 the Supreme Court, the clerk of the court shall collect the sum of ~~twenty~~ twenty-five dollars as  
13 a unified judicial system court automation surcharge. However, ~~the~~ no surcharge may ~~not~~  
14 collected in any proceeding commenced in the Supreme Court by the state, a county, a  
15 municipality, or a school district.