

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

655M0593

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 159 - 01/30/2006

Introduced by: Senators Gray, Abdallah, Broderick, Kelly, Knudson, Moore, Olson (Ed),
Smidt, and Sutton (Dan) and Representatives Cutler, Haley, Hargens,
Hennies, Jensen, and Turbiville

1 FOR AN ACT ENTITLED, An Act to prohibit certain civil penalties on dishonored checks and
2 to revise the duties of the state's attorneys with respect thereto.

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

4 Section 1. That § 22-30A-33 be amended to read as follows:

5 22-30A-33. If the drawer of a check does not pay the fees and costs provided for in § 57A-3-
6 421 and the amount of the check to the holder of the check within thirty days of the mailing of
7 the notice of dishonor, the drawer shall owe to the holder of the check an additional civil penalty
8 equal to twice the amount of the check. The state's attorney may then prosecute the dishonor.
9 No state's attorney may collect a civil penalty for prosecuting the dishonor. No state's attorney
10 may assign a check for civil collection for violation of §§ 22-30A-24 or 22-30A-25.

