

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0266

## HOUSE BILL NO. 1054

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
State Brand Board

1 FOR AN ACT ENTITLED, An Act to authorize the State Brand Board to impose certain civil  
2 penalties.

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

4 Section 1. That chapter 40-21 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person who violates any provision of chapter 40-20, 40-21, 40-22, or 40-29 is subject  
7 to a civil penalty to be imposed by the board, after notice and opportunity for hearing pursuant  
8 to chapter 1-26. The civil penalty is in addition to any criminal penalty, and may not exceed five  
9 thousand dollars for each violation. In determining the amount of the penalty, or the amount of  
10 a compromise settlement, upon finding a violation the board may consider the appropriateness  
11 of the penalty to the number of head of livestock involved, the gravity of the violation, prior  
12 offenses and compliance history, the good faith of the person charged in attempting to achieve  
13 compliance, and such other matters as justice may require. Any penalty collected pursuant to  
14 this chapter shall be deposited in the livestock ownership inspection and theft prevention fund.

