



## 2024 South Dakota Legislature

# Senate Bill 31

Introduced by: **Senator Bolin**

1 **An Act to create the indigent legal services fund, to provide ongoing revenue**  
 2 **therefor, and to make an appropriation therefor.**

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

4 **Section 1. That a NEW SECTION be added to title 23A:**

5 There is established in the state treasury the indigent legal services fund. The fund  
 6 consists of moneys deposited pursuant to § 35-5-28, interest earned on moneys in the  
 7 fund, and all other moneys designated for deposit in the fund. The Commission on Indigent  
 8 Legal Services shall maintain and administer the fund. The purpose of the fund is to  
 9 administer the commission and Office of Indigent Legal Services and reimburse counties  
 10 for indigent legal defense expenses. Any expenditure from the fund must be paid on  
 11 vouchers approved by the chief defender of the Office of Indigent Legal Services and  
 12 warrants drawn by the state auditor. The fund is continuously appropriated to the  
 13 commission and office as described in section 2 of this Act.

14 **Section 2. That a NEW SECTION be added to title 23A:**

15 For purposes of this section, the term "annual balance" means the amount of  
 16 moneys in the indigent legal services fund each fiscal year on July first as determined by  
 17 the auditor-general.

18 Each fiscal year, the Commission on Indigent Legal Services may approve the  
 19 expenditure of up to twenty-two percent of the annual balance for administering the  
 20 commission and Office of Indigent Legal Services. The commission, every June thirtieth,  
 21 shall grant all remaining moneys to counties for indigent legal defense expenses.

22 The commission shall grant moneys to each county based on the county's indigent  
 23 legal defense expenses compared to the total amount of all counties' indigent legal defense  
 24 expenses in the previous fiscal year. The Commission on Indigent Legal Services shall  
 25 adopt rules pursuant to chapter 1-26 on the process for distributing moneys in the fund

1 to counties and determining each county's indigent legal defense expenses. For purposes  
 2 of § 1-26-4, the commission shall need written approval only from a majority of  
 3 commission members.

4 **Section 3. That § 35-5-28 be AMENDED:**

5 **35-5-28.** After the amount of ~~funds~~ moneys necessary to provide for the  
 6 reversions to municipalities and counties in §§ 35-5-22 and 35-5-22.2 is determined, ~~the~~  
 7 remaining funds may twenty percent of the remaining moneys must be transferred to the  
 8 general fund, and eighty percent of the remaining moneys must be transferred to the  
 9 indigent legal services fund established in section 1 of this Act.