



## 2021 South Dakota Legislature

# House Bill 1069

SENATE JUDICIARY ENGROSSED

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

1 **An Act to modify the expenditures that are recoverable as disbursements by a**  
 2 **prevailing party in a civil action or a special proceeding.**

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

4 **Section 1.** That § 15-17-37 be AMENDED.

5 **15-17-37. Prevailing party recovery--Taxation.**

6 The prevailing party in a civil action or special proceeding may recover  
 7 expenditures necessarily incurred in gathering and procuring evidence or bringing the  
 8 matter to trial. Such expenditures include costs of telephonic hearings, costs of telephoto  
 9 or fax charges, fees of witnesses, ~~interpreters, translators,~~ interpreter or translator  
 10 expenditures not otherwise covered pursuant to § 15-17-37.1, officers, printers, service  
 11 of process, filing, expenses from telephone calls, copying, costs of original and copies of  
 12 transcripts and reporter's attendance fees, and court appointed experts, ~~and other similar~~  
 13 ~~expenses and charges.~~ These expenditures are termed "disbursements" and are taxed  
 14 pursuant to § 15-6-54(d).

15 **Section 2.** That a NEW SECTION be added:

16 **15-17-37.1. Interpreter or translator services--Payment.**

17 When a witness or party needs a language interpreter or translator in a civil action  
 18 or special proceeding, the court shall procure and appoint a disinterested interpreter or  
 19 translator. The interpreter or translator shall be compensated for services provided in the  
 20 court proceeding that the court certifies to be reasonable and just. The payment for the  
 21 services of the interpreter or translator shall be made from funds appropriated for the  
 22 operation of the courts. A civil action for purposes of this section does not include abuse  
 23 and neglect, juvenile, involuntary commitment, mental illness, or protection order  
 24 proceedings.