



2024 South Dakota Legislature
Senate Bill 15
ENROLLED

AN ACT

ENTITLED An Act to require a convicted defendant to reimburse the cost of digital forensic examination fees.

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

Section 1. That chapter 23A-27 be amended with a NEW SECTION:

A person convicted of a felony or misdemeanor shall, as part of the sentence imposed by the court, pay for the reimbursement of the cost of any digital forensic examination performed on any personal electronic device in the investigation and prosecution of the crime for which the defendant is convicted. The fee assessed may not exceed ninety-five dollars for each device. Fees collected pursuant to this section by the Unified Judicial System must be deposited in the internet crimes investigation fund, created in section 3 of this Act.

For the purposes of this section, the term "personal electronic device" means any portable electronic device that is designed for and capable of wireless communication or electronic data retrieval, including a cellular telephone, tablet, laptop, computer, or two-way messaging device.

Section 2. That § 23A-27-25 be AMENDED:

23A-27-25. Except as provided below, all fines and pecuniary penalties collected for the violation of any state law must be paid into the treasury of the proper county, the net proceeds of which must be applied and used each year for the benefit of the public schools of this state. This section does not apply to forfeitures provided for in § 23A-43-23, costs as provided in §§ 23-3-52, section 1 of this Act, 23A-27-26, and 23A-27-27, and restitution and civil penalties assessed under the state's environmental laws.

Section 3. That a NEW SECTION be added to chapter 1-11:

There is hereby established in the state treasury the internet crimes investigation fund. The fund consists of all fees imposed pursuant to section 1 of this Act. The attorney general shall maintain and administer the fund. Interest on moneys credited to the fund must be deposited in the fund. Expenditures out of the fund must be appropriated through the General Appropriations Act. Expenditures from the fund must be used for operational expenses including computer hardware, software licensing, and training for the office of internet crimes investigation, established in § 1-11-16, and the internet crimes against children unit.

An Act to require a convicted defendant to reimburse the cost of digital forensic examination fees.

I certify that the attached Act originated in
the:
Senate as Bill No. 15

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this _____ day of
_____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 15
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State