

AN ACT

ENTITLED, An Act to revise certain provisions regarding the collection and setting of 24/7 sobriety program fees and regarding the monitoring of ignition interlock testing.

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

Section 1. That § 1-11-25 be amended to read as follows:

1-11-25. Any fees collected under §§ 1-11-17 to 1-11-25, inclusive, shall be distributed as follows:

- (1) Any daily user fee collected in the administration of twice a day testing, drug patch testing, or urinalysis testing under the 24/7 sobriety program shall be collected by the sheriff, or an entity designated by the sheriff, and deposited with the county treasurer of the proper county, the proceeds of which shall be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services and ensuring compliance;
- (2) Any installation and deactivation fee collected in the administration of electronic alcohol monitoring device testing shall be collected by the sheriff, or an entity designated by the sheriff, and deposited with the county treasurer of the proper county, the proceeds of which shall be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services, and ensuring compliance;
- (3) Any daily user fee collected in the administration of electronic alcohol monitoring device testing, arising from a court ordered placement in the 24/7 sobriety program, shall be collected by the sheriff, or an entity designated by the sheriff, and deposited in the state 24/7 sobriety fund created by § 1-11-18. If the test is directed by the Board of Pardons and Parole, the Department of Corrections, the Department of Public Safety, or a parole agent,

the fees shall be collected and deposited as provided in the written directive;

- (4) The Department of Corrections or the Unified Judicial System may collect an installation fee and a deactivation fee in their administration of electronic alcohol monitoring device testing. These fees shall be deposited into the state general fund;
- (5) Any enrollment and monitoring fee collected in the administration of ignition interlock device testing shall be collected by the sheriff, or an entity designated by the sheriff, and deposited with the county treasurer of the proper county, the proceeds of which shall be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services, and ensuring compliance; and
- (6) Any participation fee collected in the administration of testing under the 24/7 sobriety program to cover program administration costs incurred by the Office of Attorney General shall be collected by the sheriff, or an entity designated by the sheriff, and deposited in the state 24/7 sobriety fund created by § 1-11-18.

Section 2. That § 1-11-26 be amended to read as follows:

1-11-26. A participant submitting to twice-a-day testing shall pay a user fee of not more than three dollars for each test.

Section 3. That § 1-11-27 be amended to read as follows:

1-11-27. A participant submitting to urinalysis testing shall pay a user fee of not more than ten dollars for each test. If further analysis of the sample is required or requested, the participant is responsible for payment of the actual costs incurred by the participating agency for the analysis of the sample.

Section 4. That § 1-11-28 be amended to read as follows:

1-11-28. A participant submitting to wear a drug patch shall pay a user fee of not more than fifty dollars for each drug patch attached.

Section 5. That § 1-11-29 be amended to read as follows:

1-11-29. A participant submitting to the wearing of the electronic alcohol monitoring device shall pay a user fee of not more than ten dollars for each day.

In addition, the participant shall pay an installation fee and a deactivation fee, each in the amount of not more than fifty dollars.

The participant is also financially responsible for the actual replacement cost for loss or breakage of the electronic alcohol monitoring device and all associated equipment provided to the participant that is necessary to conduct electronic alcohol monitoring device testing.

Section 6. That § 1-11-30 be amended to read as follows:

1-11-30. A participant submitting to the installation of an ignition interlock device shall pay all costs and expenses associated with the installation and operation of the ignition interlock device directly to the authorized vendor pursuant to a contract between the vendor and participant.

In addition, the participant shall pay an enrollment fee in the amount of not more than fifty dollars at the time of enrollment and monitoring fees in the amount of not more than twenty dollars at intervals to be set by the attorney general.

The participant is also financially responsible for the actual replacement cost for loss or breakage of the ignition interlock device and all associated equipment provided to the participant that is necessary to conduct ignition interlock device testing.

Section 7. That § 1-11-32 be amended to read as follows:

1-11-32. Each participant in the 24/7 sobriety program shall pay a participation fee of not more than three dollars per day.

Section 8. That ARSD 2:06:03:07 be repealed.

Section 9. That ARSD 2:06:03:08 be repealed.

Section 10. That ARSD 2:06:02:02.02 be amended to read as follows:

2:06:02:02.02. Periodic ignition interlock inspection. The participant shall bring the motor vehicle with the installed ignition interlock device to the vendor for calibration testing and inspection in accordance with the manufacturer's directions. The participant shall bring the motor vehicle with the installed ignition interlock device and vendor inspection documentation to the participating agency for inspection every 30 days, and for calibration testing every 120 days, or when directed by the participating agency.

Section 11. That chapter 1-11 be amended by adding thereto a NEW SECTION to read as follows:

All fees collected for deposit in the state 24/7 sobriety fund created by § 1-11-18 shall be remitted on at least a quarterly basis.

Section 12. That chapter 1-11 be amended by adding thereto a NEW SECTION to read as follows:

A sheriff, entity designated by a sheriff, or a directing entity may, in addition to any other authorized sanction, remove a participant from electronic alcohol monitoring device testing and ignition interlock device testing and place the participant on twice-a-day testing if the participant fails to pay the required fees and costs for those testing devices.

An Act to revise certain provisions regarding the collection and setting of 24/7 sobriety program fees and regarding the monitoring of ignition interlock testing.

=====

I certify that the attached Act originated in the

SENATE as Bill No. 21

\_\_\_\_\_  
Secretary of the Senate

=====

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 21  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

=====

Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

=====

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

=====

STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State