

## APPENDIX A

### **Definitions of Receipt Categories**

**Adult Compact Fees:** A fee of \$50.00 charged to all South Dakota supervised felony and applicable misdemeanor cases/clients who request a transfer of their probation supervision to another state.

**Alimony Payments:** An allowance for support made under court order to a legally separated or divorced person by the former provider. Monies received are receipted and disbursed to the person as provided by the court order.

**Cash Fees:** Fees charged for filing various civil actions. This money is paid into the county general fund.

**Child Support:** Payments ordered by the court from one party in a divorce action to the other party as financial support for the children involved. Effective October 1, 1998, all child support payments made as a result of a new or modified court order will be processed through the South Dakota Department of Social Services.

**Child Support Modification Fees:** A \$50 fee for any petition or motion to modify a child support order. This fee is deposited into the "equal access to our courts" fund to be awarded as grant funds to legal services entities.

**City/County Fines/Penalties:** Fines/penalties collected for city/county ordinance violations. City/county fines/penalties are paid into the city/county general fund (65%) and state general fund (35%) for services provided by the Unified Judicial System.

**City/County Costs:** Costs levied in conjunction with city/county fines as reimbursement to the city/county for an identifiable amount spent by the city/county in prosecuting a case. These funds are paid into the city/county general fund.

**City/County Forfeitures:** Forfeitures of bail bonds posted for violations of city/county ordinances. These funds are paid into the city/county general fund (65%) and state general fund (35%).

**Victims Compensation Fund:** A charge of \$5.00 assessed against a defendant in any criminal action which resulted from a violation of state law or county or municipal ordinance (except parking violations), and which is used to assist crime victims to recover some of the costs they incurred as a result of the crime.

**Court-Appointed Attorney Fees:** Costs recovered from defendants to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasury.

**Divorce Fees:** A fee of \$50.00 charged for filing a divorce action. Half of the fee is deposited in the county domestic abuse program fund and the remaining half in the county general fund.

**Draw Down Accounts:** Deposit accounts created by law firms, businesses and other individuals to pay for filing fees, small claims fees, postage, record searches and other miscellaneous charges.

**Drug Control Fee:** Fees paid to the Attorney General to be deposited in the Drug Control Fund for the purpose of assisting local law enforcement agencies in drug control and drug offender apprehension efforts.

**Drug Testing and Monitoring Fees:** Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

**DUI Costs: (32-12-48):** If a defendant is convicted driving under the influence, at the conclusion of the period of revocation ordered by the court and if future proof is filed with the Department of Public Safety as required by chapter 32-35, the defendant may submit an application for a driver license, accompanied by a fee of seventy-five dollars if revocation of the license was for a conviction under § 32-23-2, one hundred twenty-five dollars if revocation of the license was for a conviction under § 32-23-3, or one hundred seventy-five dollars if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7.

**Interest-Bearing Trust Funds:** Interest-bearing money deposited with a clerk pending a decision regarding ownership.

**Law Library Fee:** A fee of \$2.00 or \$5.00 charged in addition to the civil case filing fee and used to support the county law library.

**Liquidated Costs:** 23-3-53. Collection by clerk of courts-Transmittal to state treasurer-Disposition. After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit monthly to the state treasurer. The state treasurer shall place thirty dollars of the forty dollar fee into the law enforcement officers training fund, six dollars of the forty dollar fee into the court-appointed attorney and public defender payment fund, two dollars of the forty dollar fee into the court-appointed special advocates fund, one dollar of the forty dollar fee into the 911 telecommunicator training fund, and one dollar of the forty dollar fee into the abused and neglected child defense fund.

**Marriage Fees:** Fees collected for processing marriage license applications. These funds are paid into the state general fund.

## APPENDIX A (Cont.)

**Modification Petitions and Motions Fees (Except Title 28 benefits):** A fee of \$50.00 for child support modification filings. These funds are paid into the state general fund.

**NSF Check Charges:** A fee of \$30.00 charged to a person who issues to the state or a political subdivision a check or other draft that is not honored by the person's bank.

**Other-Overpayments:** Collections that do not fit any of the foregoing categories.

**Passport Fees: 16-2-27.1.** Fees collected for processing U.S. passport applications. These funds are paid into the state general fund.

**Petty Offense Judgment:** A judgment of \$20.00 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

**Postage-Small Claims:** Postage fees charged for processing small claims actions.

**Posted Bonds:** Bonds are posted in conjunction with a criminal case. This money is either forfeited, used to pay subsequent fines and costs, or returned to the defendant or depositor. Undertakings are posted in civil cases and appeals. Non-interest trusts are posted until the legal owner is determined or located. Court appointed attorney fees are posted as pre-payment for future CAAF costs incurred.

**Restitution:** Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

**State Costs:** Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

**State Fines/Penalties:** Fines/penalties collected for violation of state laws. These fines and penalties are paid to the county treasury for eventual transfer to the school district of the county in which the violation occurred.

**State Forfeitures:** Forfeitures of bonds posted for violations of state law. This money is paid into the county general fund.

**Surcharge-Court Automation Fund: 16-2-39.** A fee on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule (updated June 30, 2015):

Civil actions, probate proceedings, other judicial proceedings	\$40.00	All Class 2 misdemeanors (violation of state law)	\$23.50
Small claims where the amount in controversy is: \$0 to \$3,999.99	\$ 6.00	All violations of county or municipal ordinances	\$17.50
\$4,000 to \$12,000	\$ 8.00	All violations of administrative rules with criminal penalties	\$17.50
All felony criminal cases	\$61.50	All appeals, original actions or other actions filed with the Supreme Court	\$50.00
All Class 1 misdemeanors	\$41.50		

**--Electronic Filing Fees:** A fee of \$1.00 per page (\$10 minimum) for incoming fax filings. A fee of \$1 per page (\$5 minimum) for outgoing electronic transmission of any opinion, record, or paper from an active or inactive file in the clerk's custody.

**--Record Searches: 16-2-29.5.** A fee of \$20.00 for each name search of court records if the search is requested by a person who is not a party named in a state or federal action. \$15.00 of the \$20.00 fee goes to the Court Automation Fund and \$5.00 goes to the law enforcement officers training fund. A fee of \$5.00 for each name search of court records if the search is being conducted in conjunction with a state or federal court action and the person making the records search request so certifies.

**--Web Judgment Searches:** A fee of \$4 for each name or date search for civil judgments and \$1 per judgment card.

**--Non-Resident Attorney Admissions:** A \$100.00 portion of the \$200.00 admission fee is paid to the Supreme Court and the remaining \$100.00 portion is paid to the state bar.

**Surcharge-Victims Compensation Fund:** A fee of \$25.00 assessed to any defendant convicted of a crime involving domestic violence or domestic abuse. This money is paid to the county domestic violence program fund.

*\*Most receipts collected according to SDCL 16-2-29, unless otherwise noted.*