

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0614

SENATE BILL NO. 181

Introduced by: Senator Munson (David) and Representatives Rost, Collier, and Matthews

1 FOR AN ACT ENTITLED, An Act to allow additional compensation to state's attorneys for the
2 performance of legal services under the Violence Against Women Act.

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

4 Section 1. That § 7-16-18 be amended to read as follows:

5 7-16-18. Other than fees payable for child support enforcement services upon request of the
6 Department of Social Services under a cooperative agreement with the board of county
7 commissioners, fees payable upon request of the Department of Social Services under a
8 cooperative agreement with the board of county commissioners under the Violence Against
9 Women Act, 42 USC 3796gg et seq. as of January 1, 1997, and fees payable under contract for
10 representation of the county or its officers in civil cases and administrative proceedings outside
11 the county pursuant to § 7-16-6 or fees payable for representation of a board or commission
12 acting pursuant to chapter 46A-10A, the state's attorney may not receive any fee or reward from
13 or on behalf of any prosecutor or other individual for services in any prosecution or business to
14 which it is ~~his~~ the state's attorney's official duty to attend, nor be concerned as attorney or
15 counselor for either party, other than for the state or county, in any civil action depending on the
16 same state of facts upon which any criminal prosecution commenced, but undetermined, shall

1 depend. No state's attorney, while in office, is eligible to hold any judicial office. A full-time
2 state's attorney, as defined by § 7-16-19, is not entitled to receive the fees payable for child
3 support enforcement services provided herein, nor is a full-time state's attorney entitled to extra
4 compensation for representing the county or its officers in civil cases and administrative
5 proceedings outside the county provided herein or for representing a board or commission acting
6 on drainage matters.

7 Section 2. That § 7-16-23 be amended to read as follows:

8 7-16-23. Other than fees for child support enforcement services made upon the request of
9 the Department of Social Services to a state's attorney under a cooperative agreement with ~~his~~
10 the board of county commissioners, fees payable upon request of the Department of Social
11 Services under a cooperative agreement with the board of county commissioners under the
12 Violence Against Women Act, 42 USC 3796gg et seq. as of January 1, 1997, and fees payable
13 under contract for representation of the county or its officers in civil cases and administrative
14 proceedings outside the county pursuant to § 7-16-6, a board of county commissioners may not
15 give or pay any fees or costs to a state's attorney as part of ~~his a~~ salary or in addition to ~~his a~~
16 salary; ~~provided, however,~~ However, each board shall participate in the costs of the prosecution
17 and enforcement by the state's attorney of support obligations against any responsible parent,
18 whether of a civil or criminal nature, on a fee for service basis with the Department of Social
19 Services. The fee is paid to the state's attorney in addition to any other compensation of the
20 state's attorney for the performance of ~~his~~ other public duties. A full-time state's attorney, as
21 defined by § 7-16-19, is not entitled to receive the fees payable for child support enforcement
22 services authorized by this section nor ~~shall~~ is a full-time state's attorney ~~be~~ entitled to extra
23 compensation for representation of the county or its officers in civil cases and administrative
24 proceedings outside the county pursuant to § 7-16-6.