

2026 South Dakota Legislature

Draft 290

Requested by: The Chair of the Committee on Judiciary at the request of the Chief Justice

1 **An Act to modify the surcharge for a responding party in a forcible entry and**
2 **detainer action.**

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

4 **Section 1. That § 16-2-58.2 be AMENDED:**

5 **16-2-58.2.** For the answer or initial responsive pleading in a circuit court
6 ~~proceedings~~ proceeding not subject to § 16-2-58.1, the clerk of courts shall collect the
7 sum of twenty-five dollars as a commission on equal access to our courts surcharge. The
8 clerk shall collect the surcharge ~~shall be collected by the clerk~~ in the manner in which
9 other fees are collected. ~~No responsive~~ The surcharge may not be collected in any civil
10 action or proceeding ~~wherein~~.

11 (1) For forcible entry and detainer;

12 (2) Wherein the responding party is the state, county, a municipality, or a school
13 district, ~~or~~ or-if

14 (3) If the responding party is receiving assistance benefits under title 28.

15 The responsive surcharge may be waived pursuant to the provisions of §§ 16-2-
16 29.2 and 16-2-29.3.