



2022 South Dakota Legislature

House Bill 1204

Introduced by: **Representative** Deutsch

1 **An Act to establish liability and the burden of proof for spoliation of evidence in**
2 **statute.**

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

4 **Section 1. That chapter 19-7 be amended with a NEW SECTION:**

5 If at any time a party, or potential party, to a claim receives notice of a claim or
6 potential claim, and then destroys or spoils any evidence related to the claim, the party is
7 liable under the law for damages resulting from any injury related to the claim.

8 If at any time a party, or potential party, to a claim receives notice of a claim or
9 potential claim, and then destroys or spoils such evidence, the burden shifts to the
10 spoliator to prove their destruction or spoliation of the evidence was done in good faith.