



2025 South Dakota Legislature

House Bill 1227

Introduced by: **Representative Hunt**

1 **An Act to provide that certain testamentary gifts given to a lawyer from a client are**
2 **invalid.**

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

4 **Section 1. That a NEW SECTION be added to chapter 29A-2:**

5 A lawyer may not prepare on behalf of a client any instrument giving the lawyer,
6 or a person related to the lawyer, any testamentary gift, unless:

7 (1) The lawyer or other recipient of the gift is related to the client; and

8 (2) The gift is not significantly disproportionate to the gifts given to other recipients
9 similarly related to the donor.

10 Any gift or devise made in violation of this section is invalid on the basis of undue
11 influence.

12 For the purpose of this section, related persons include a spouse, child, grandchild,
13 parent, grandparent, cohabitant, or other relative or individual with whom the lawyer
14 maintains a close, familial relationship.

15 This section only applies to an instrument executed on or after July 1, 2025.