

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0806

HOUSE BILL NO. 1272

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to provide a civil cause of action for barratry and to institute
2 a procedure for the assertion of a claim of barratry.

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

4 Section 1. Barratry is the assertion of a frivolous or malicious claim or defense by a party in
5 a civil action under Title 15 or an administrative proceeding under chapter 1-26. Barratry
6 constitutes a cause of action which may be asserted by filing a pleading in the civil action or
7 administrative proceeding in which the claim of barratry is made. A claim of barratry shall be
8 determined in the same manner as any other substantive cause of action asserted in that civil
9 action or administrative proceeding.