

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0809

HOUSE BILL NO. 1278

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

1 FOR AN ACT ENTITLED, An Act to revise the definition of barratry.

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

3 Section 1. That § 20-9-6.1 be amended to read as follows:

4 20-9-6.1. Barratry is the assertion of a frivolous or malicious claim or defense or the filing
5 of any document with malice or in bad faith by a party in a civil action under Title 15. Barratry
6 constitutes a cause of action which may be asserted by filing a pleading in the same civil action
7 in which the claim of barratry arises or in a subsequent action. 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.