

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

772H0631

## HOUSE BILL NO. 1175

Introduced by: Representative McCaulley and Senator Bogue

1 FOR AN ACT ENTITLED, An Act to allow punitive damages in a barratry action.

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. Barratry constitutes a  
6 cause of action which may be asserted by filing a pleading in the same civil action in which the  
7 claim of barratry arises or in a subsequent action. A claim of barratry shall be determined in the  
8 same manner as any other substantive cause of action asserted in that civil action. Punitive  
9 damages may be awarded on a claim of barratry.

