

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

616U0414

HOUSE BILL NO. 1171

Introduced by: Representatives Hickey, Bolin, Craig, Cronin, Ecklund, Feinstein, Gibson, Haggar (Jenna), Hajek, Hunhoff (Bernie), Munsterman, Russell, Schoenfish, and Verchio and Senators Kirkeby, Hunhoff (Jean), Jensen, Krebs, Lederman, Lucas, Maher, Novstrup (Al), Otten (Ernie), Tidemann, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to exempt certain property from bankruptcy levy.

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

3 Section 1. That § 43-45-2 be amended to read as follows:

4 43-45-2. The property mentioned in this section is absolutely exempt from all such process,
5 levy, or sale, except as otherwise provided by law:

6 (1) All family pictures;

7 (2) A pew or other sitting in any house of worship;

8 (3) A lot or lots in any burial ground;

9 (4) The family Bible and all schoolbooks used by the family, and all other books used
10 as a part of the family library, not exceeding in value two hundred dollars;

11 (5) All wearing apparel and clothing of the debtor and his family;

12 (6) The provisions for the debtor and his family necessary for one year's supply, either
13 provided or growing, or both, and fuel necessary for one year;

14 (7) All property in this state of the judgment debtor if the judgment is in favor of any



1 state for failure to pay that state's income tax on benefits received from a pension or
2 other retirement plan while the judgment debtor was a resident of this state;

3 (8) Any health aids professionally prescribed to the debtor or to a dependant of the
4 debtor.

5 Section 2. That chapter 43-45 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Alimony, support, and separate maintenance payments, but not property settlements, to the
8 extent reasonably necessary for the support of the debtor and the dependants of the debtor, are
9 absolutely exempt from all such process or levy except as otherwise provided by law.