

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

616U0414

SENATE JUDICIARY ENGROSSED NO. **HB 1171** - 02/28/2013

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;



1 (7) All property in this state of the judgment debtor if the judgment is in favor of any
2 state for failure to pay that state's income tax on benefits received from a pension or
3 other retirement plan while the judgment debtor was a resident of this state;

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

6 Section 2. That § 43-45-4 be amended to read as follows:

7 43-45-4. In addition to the property provided for in §§ 43-45-2 and 43-45-3, the debtor, if
8 the head of a family, may, personally, or by agent or attorney, select from all other of the
9 debtor's personal property, not absolutely exempt, goods, chattels, merchandise, money, or other
10 personal property not to exceed in the aggregate ~~six~~ seven thousand dollars in value; and, if not
11 the head of a family, property as aforesaid of the value of ~~four~~ five thousand dollars, which is
12 also exempt, and which shall be chosen and appraised as provided by law.