

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0351

HOUSE BILL NO. 1199

Introduced by: Representatives Stevens and Campbell and Senator Rave

1 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding
2 family law.

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

4 Section 1. That § 25-2-9 be repealed.

5 ~~— 25-2-9. No estate is allowed the husband as tenant by curtesy, upon the death of his wife,~~
6 ~~nor any estate in dower allotted to the wife upon the death of her husband.~~

7 Section 2. That § 25-4-29 be repealed.

8 ~~— 25-4-29. A divorce must be denied when there is an unreasonable lapse of time before the~~
9 ~~commencement of the action. Unreasonable lapse of time is such a delay in commencing the~~
10 ~~action as establishes the presumption that there has been connivance, collusion, or condonation~~
11 ~~of the offense, or full acquiescence in the same, with intent to continue the marriage relation,~~
12 ~~notwithstanding the commission of the offense set up as a ground of divorce. The presumption~~
13 ~~arising from lapse of time may be rebutted by showing reasonable grounds for the delay in~~
14 ~~commencing the action.~~

15 ~~— There are no limitations of time for commencing actions for divorce, except such as~~



1 ~~contained in this section:~~

2 Section 3. That § 25-4-48 be repealed.

3 ~~—25-4-48. When a divorce is granted for the adultery of the wife, the legitimacy of children~~
4 ~~begotten of her before the commission of the adultery is not affected; but the legitimacy of other~~
5 ~~children of the wife may be determined by the court upon the evidence in the case. In every such~~
6 ~~case all children begotten before the commencement of the action are to be presumed legitimate~~
7 ~~until the contrary is shown.~~

8 Section 4. That § 25-4-49 be repealed.

9 ~~—25-4-49. When a divorce is granted for the adultery of the husband, the legitimacy of~~
10 ~~children of the marriage, begotten of the wife before the commencement of the action, is not~~
11 ~~affected.~~

12 Section 5. That § 25-8-31 be repealed.

13 ~~—25-8-31. The judgment of the court of another state rendered in proceedings to compel~~
14 ~~support of a child born out of wedlock, and directing payment either of a fixed sum or of sums~~
15 ~~payable from time to time, may be sued upon in this state and be made a domestic judgment so~~
16 ~~far as not inconsistent with the laws of this state, and the same remedies may thereupon be had~~
17 ~~upon such judgment as if it had been recovered originally in this state.~~