

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0669

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB178** - 3/3/97

Introduced by: Senators Albers, Drake, Frederick, Hunhoff, Symens, and Thompson and
Representatives DeMersseman, Lucas, Richter, Schaunaman, and Volesky

1 FOR AN ACT ENTITLED, An Act to require the mandatory payment of costs and attorney's

2 fees in frivolous or malicious actions.

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

4 Section 1. That § 15-17-51 be amended to read as follows:

5 15-17-51. If a civil action or special proceeding is dismissed and if the court determines that
6 it was frivolous or brought for malicious purposes, the court ~~may~~ shall order the ~~plaintiff party~~
7 whose cause of action or defense was dismissed to pay part or all expenses incurred by the
8 person defending the matter, including reasonable attorneys' fees.

1 **BILL HISTORY**

2 1/29/97 First read in Senate and referred to Judiciary. S.J. 214

3 2/7/97 Scheduled for Committee hearing on this date.

4 2/7/97 Judiciary Do Pass, Passed, AYES 6, NAYS 0. S.J. 350

5 2/7/97 Judiciary Place on Consent Calendar. S.J. 350

6 2/10/97 Senate Do Pass, Passed, AYES 35, NAYS 0. S.J. 371

7 2/11/97 First read in House and referred to Judiciary. H.J. 425

8 2/21/97 House of Representatives Re-referred to State Affairs.

9 2/28/97 Scheduled for Committee hearing on this date.

10 2/28/97 State Affairs Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 775

11 2/28/97 State Affairs Place on Consent Calendar. H.J. 775