

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0669

SENATE BILL NO. 178

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 was dismissed to pay part or all expenses incurred by the person defending
8 the matter, including reasonable attorneys' fees.