

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

547C0412

SENATE BILL NO. 78

Introduced by: Senator Lawler and Representative Jaspers

1 FOR AN ACT ENTITLED, An Act to provide for the award of punitive damages in certain
2 wrongful death cases.

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

4 Section 1. That § 21-5-7 be amended to read as follows:

5 21-5-7. In every action for wrongful death the jury may ~~give~~ award such damages as ~~they~~
6 ~~may think~~ are determined to be proportionate to the pecuniary injury resulting from ~~such the~~
7 death to the persons respectively for whose benefit such action ~~shall be~~ is brought. The jury may
8 also award punitive damages if the circumstances of the case are such that the decedent would
9 have been able to recover punitive damages in a personal injury case.