

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

463E0613

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1225 - 02/05/2001

Introduced by: Representatives Sebert, Derby, Michels, and Solum and Senators Albers
and Vitter

1 FOR AN ACT ENTITLED, An Act to clarify the courts in which garnishment proceedings may
2 be pursued.

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

4 Section 1. That § 21-18-1 be amended to read as follows:

5 21-18-1. In any action or small claims proceeding to recover damages founded upon
6 contract, express or implied, or ~~upon~~ pursuant to judgment or decree, any creditor ~~shall be~~ is
7 entitled to proceed by garnishment in any court having jurisdiction of the subject of the action,
8 against any person, as defined in § 15-7-1, including the state and any municipal or public
9 corporation, and including any corporation organized or authorized to be organized by or under
10 the laws of any state or of the United States, which has the power to sue or be sued who shall
11 be indebted to or have any property, real or personal, in ~~his~~ its possession or under ~~his~~ its control
12 belonging to such creditor's debtor, in the cases, upon the conditions, and in the manner
13 prescribed in this chapter.