

HOUSE BILL NO. 316

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MULDER

Introduced: 4/21/95

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability for false claims and improper allegations or
2 defenses in civil practice; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 09.65 is amended by adding a new section to read:

5 Sec. 09.65.190. CIVIL LIABILITY FOR FALSE CLAIMS AND IMPROPER

6 PRACTICE. (a) A person may not

7 (1) knowingly or recklessly file, or cause to be filed, a civil complaint,
8 answer, or other civil pleading that contains false or misleading allegations or material
9 misstatements of fact;

10 (2) sign a civil pleading before making reasonable inquiry and
11 determining that, to the best of the signer's knowledge, information, and belief, each
12 claim, defense, and allegation contained in the pleading is well grounded in fact and
13 is warranted by existing law or a good faith argument for the extension, modification,
14 or reversal of existing law; or

1 (3) interpose, in a civil action, a claim, defense, or allegation for an
2 improper purpose, including to harass or to cause unnecessary delay or needless
3 increase in the cost of litigation.

4 (b) A person who is injured by a violation of (a) of this section may bring an
5 action for compensatory and punitive damages.

6 (c) A person who, on the person's own behalf or as a representative of a party,
7 takes part in the initiation, defense, continuation, or procurement of a civil action
8 against another is subject to civil liability for compensatory and punitive damages if
9 the person acts

10 (1) without probable cause on a claim or defense; or

11 (2) primarily for a purpose other than that of securing the proper
12 adjudication of a claim or defense involved in the civil action.

13 (d) A person may not bring a civil action to recover damages under (c) of this
14 section unless the person is the prevailing party and final judgment has been entered
15 in the civil action described in (c) of this section.

16 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).