

FINAL BILL REPORT

SB 5023

C 70 L 91

SYNOPSIS AS ENACTED

Brief Description: Providing expenses for defending against frivolous court actions.

SPONSORS: Senators Talmadge and Nelson.

SENATE COMMITTEE ON LAW & JUSTICE

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

The frivolous claim statute requires the judge to consider the entire action as a whole prior to awarding attorney's fees for a frivolous action. In 1987, the Legislature amended the frivolous claim statute to allow attorney's fees to be awarded in cases which were dismissed in summary judgment proceedings. It has been suggested that the statute should be further clarified and amended to allow attorney's fees in frivolous actions which are either voluntarily or involuntarily dismissed.

SUMMARY:

The frivolous claim statute is amended to allow the award of attorney's fees for frivolous actions based upon all evidence presented to the judge at the time of the motion. The award of attorney's fees may be made regardless of whether the dismissal is voluntary or involuntary.

VOTES ON FINAL PASSAGE:

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| Senate | 48 | 0 |
| House | 96 | 1 |

EFFECTIVE: July 28, 1991