

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1533

Introduced by

Representatives Boschee, Hanson, Ista, Klemin, Pyle, Roers Jones, Schneider

Senator Braunberger

1 A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century  
2 Code, relating to protecting survivors of domestic abuse from abusive litigation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 14 of the North Dakota Century Code is created and  
5 enacted as follows:

6 **Definitions.**

7 1. "Abusive litigation" means litigation in which:

8 a. The parties have or had an intimate partner relationship or any other person with  
9 a sufficient relationship to the abusing person as determined by the court under  
10 section 14-07.1-02;

11 b. The filing party has been found by a court to have committed an act of domestic  
12 violence or disorderly conduct against the opposing party pursuant to a court  
13 order entered under chapter 14-07.1, 14-09, or 12.1-32.2, or an equivalent  
14 ordinance from another state, provided the issuing court made a specific finding  
15 of domestic violence or disorderly conduct, or the filing party has a prior  
16 conviction relating to domestic violence against the opposing party under chapter  
17 12.1-17;

18 c. There is intent on the part of the filing party to harass, intimidate, maintain  
19 contact with, or retaliate against the opposing party; and

20 d. At least one of the following is true:

21 (1) Claims, allegations, and other legal contentions made in the litigation are  
22 not warranted by existing law or by a reasonable argument for the  
23 extension, modification, or reversal of existing law, or the establishment of  
24 new law;

1           (2) Allegations and other factual contentions made in the litigation lack  
2           evidentiary support;

3           (3) The actions comprising the basis of the litigation previously have been filed  
4           or litigated in one or more other courts or jurisdictions and have been  
5           disposed of unfavorably against the party filing, initiating, advancing, or  
6           continuing the litigation; or

7           (4) The filing party has been sanctioned previously for filing, initiating,  
8           advancing, or continuing litigation found to be frivolous, vexatious,  
9           intransigent, or brought in bad faith.

10          2. "Filing party" means the party who has filed, initiated, advanced, or continued  
11          litigation.

12          3. "Intimate partner" means a spouse, former spouse, an individual who has a child with  
13          a filing party regardless of whether the individual has been married to the filing party or  
14          lived with the filing party, or an individual who has or had a dating relationship with the  
15          filing party.

16          4. "Litigation" means any motion, pleading, petition, or other court filing.

17          5. "Opposing party" means the party against whom the filing party has filed, initiated,  
18          advanced, or continued litigation.

19          **Burden of proof - Dismissal - Entry of order restricting abusive litigation.**

20          1. If a court finds by a preponderance of the evidence any of the litigation pending before  
21          the court constitutes abusive litigation, the court shall dispose of the litigation with  
22          prejudice.

23          2. If the court finds abusive litigation, the court shall enter an order restricting abusive  
24          litigation. The order must:

25               a. Impose all costs of the abusive litigation against the filing party; and

26               b. Award the opposing party reasonable attorney's fees and costs associated with  
27               responding to the abusive litigation, including the cost of seeking the order  
28               restricting abusive litigation.

29          **Proceeding when abusive litigation is not present.**

1 If the court finds by a preponderance of the evidence any of the litigation pending before the  
2 court does not constitute abusive litigation, the court shall enter written findings to that effect  
3 and the portions of the litigation found not to be abusive may proceed.

4 **Rules - Authority.**

5 The supreme court may adopt rules to implement this chapter.