

78A-2-303 False affidavit -- Penalty.

- (1) A person may assert by affidavit that an affidavit of impecuniosity, action, or appeal is:
 - (a) false;
 - (b) frivolous or without merit; or
 - (c) malicious.
- (2) Upon receipt of an affidavit in accordance with Subsection (1), the court may notify the affiant of the challenge and set a date, not less than five days from receipt of the notice, requiring the affiant to appear and show cause why the affiant should not be required to:
 - (a) post a bond for the costs of the action or appeal; or
 - (b) pay the legal fees for the action or appeal.
- (3) The court may dismiss the action or appeal if:
 - (a) the affiant does not appear;
 - (b) the affiant appears and the court determines the affidavit is false, frivolous, without merit, or malicious; or
 - (c) the court orders the affiant to post a bond or pay the legal fees and the affiant fails to do so.

Renumbered and Amended by Chapter 3, 2008 General Session