

Committee: Senate Judiciary

Tuesday, January 26, 2021 8:00 AM

Roll Call

Present: Sen. Diedrich, Sen. Duhamel, Sen. Johns, Sen. Rusch, Sen. Schoenbeck, and Sen. Rohl

Excused: Sen. Wheeler

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Rusch

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 21ST

Moved by: Johns

Second by: Duhamel

Action: Prevailed by voice vote

MYRON L. RAU , TO THE SOUTH DAKOTA BOARD OF PARDONS AND PAROLE

Proponents: Jason Ravensborg, Attorney General of South Dakota

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT OF MYRON L. RAU, TO THE SOUTH DAKOTA BOARD OF PARDONS AND PAROLE

Moved by: Johns

Second by: Diedrich

Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, and Rohl

Excused: Wheeler

MOTION: PLACE REAPPOINTMENT ON CONSENT CALENDAR

SB 31 : provide for the release of adult abuse case information to certain parties to assist in the provision of adult protective services.

Proponents: Yvette Thomas, Department of Human Services (Handout(s) 2)
Erik Nelson, AARP, SIOUX FALLS

MOTION: DO PASS SB 31

Moved by: Diedrich

Second by: Schoenbeck

Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, and Rohl

Excused: Wheeler

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 31 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 60 : revise the membership of the Law Enforcement Officers Standards Commission.

Proponents: Jason Ravnsborg, Attorney General of South Dakota
Katie Hruska, Deputy General Counsel, Governor's Office (Handout(s) 3)

MOTION: AMEND SB 60

60A

On page 1, line 15, of the Introduced bill, remove the overstrikes from "and "
On page 1, line 16, of the Introduced bill, after "Association" delete "; and two lay members"
On page 1, line 16, of the Introduced bill, after "members." insert " Two members of the commission shall be civilians appointed by the governor after consultation with the attorney general. Civilians are defined as a person who is not currently or ever has been a certified law enforcement officer."

On page 1, line 19, of the Introduced bill, after "years. " insert "The governor shall appoint civilian members to terms of two years. "

Moved by: Duhamel
Second by: Schoenbeck
Action: Prevailed by voice vote

MOTION: DO PASS SB 60 AS AMENDED

Moved by: Schoenbeck
Second by: Duhamel
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, and Rohl

Excused: Wheeler

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 60 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 62 : revise certain provisions regarding appeals by the prosecution.

Proponents: Jason Ravnsborg, Attorney General of South Dakota
Paul Bachand, South Dakota State's Attorneys Association

MOTION: DO PASS SB 62

Moved by: Schoenbeck
Second by: Duhamel
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, and Rohl

Excused: Wheeler

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 62 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 75 : correct an error in a statutory cross-reference within the Uniform Limited Liability Company Act.

Proponents: Michael Diedrich, Senator

MOTION: DO PASS SB 75

Moved by: Diedrich

Second by: Schoenbeck

Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, and Rohl

Excused: Wheeler

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 75 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 79 : make certain uses of laser pointers unlawful.

Proponents: Helene Duhamel, Senator

Richard Tieszen, South Dakota Sheriffs' Association, Eureka

Yvonne Taylor, South Dakota Police Chiefs Association, Fort Pierre

Paul Bachand, South Dakota State's Attorneys Association

Captain Tony Harrison, Pennington County Sheriff's Office, Rapid City

Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City (Handout(s) 4)

Brian Burge, self, Beresford

THE CHAIR DEFERRED SB 79 UNTIL JANUARY 28TH, 2021

MOTION: ADJOURN

Moved by: Schoenbeck

Second by: Johns

Action: Prevailed by voice vote

Courtney Merchant, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair