

Committee: Senate Judiciary

Tuesday, February 09, 2021 8:00 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Rusch

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 04TH

Moved by: Johns
Second by: Rohl
Action: Prevailed by voice vote

SB 135 : reform training requirements for law enforcement officers.

Proponents: Rachel Oglesby, Governor's Office
Charles McGuigan, Deputy Director, Attorney General Office, Pierre, South Dakota
Staci Ackerman, South Dakota Sheriffs Association, Eureka

MOTION: DO PASS SB 135

Moved by: Johns
Second by: Wheeler
Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Schoenbeck

HB 1069 : modify the expenditures that are recoverable as disbursements by a prevailing party in a civil action or a special proceeding.

Proponents: Greg Sattizahn, State Court Administrator

MOTION: AMEND HB 1069

1069A

On page 1, line 9, of the Introduced bill, delete ", translators," and insert " interpreter or translator expenditures not otherwise covered pursuant to § 15-17-37.1,"

On page 1, after line 13, of the Introduced bill, insert "

Section 2. That a NEW SECTION be added:

15-17-37.1. Interpreter or translator services--Payment.

When a witness or party needs a language interpreter or translator in a civil action or special proceeding, the court shall procure and appoint a disinterested interpreter or translator. The interpreter or translator shall be compensated for services provided in the court proceeding that the court certifies to be reasonable and just. The payment for the services of the interpreter or

translator shall be made from funds appropriated for the operation of the courts. A civil action for purposes of this section does not include abuse and neglect, juvenile, involuntary commitment, mental illness, or protection order proceedings.

"

Moved by: Wheeler
Second by: Johns
Action: Prevailed by voice vote

MOTION: DO PASS HB 1069 AS AMENDED

Moved by: Wheeler
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

SB 141 : provide for the automatic removal of certain marijuana convictions from a background check record.

Proponents: Senator Michael Rohl, Aberdeen (Handout(s) 3)
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Emmett Reistroffer, Johnson Properties L.L.C., Sioux Falls
Opponents: Jason Ravensborg, Attorney General of South Dakota
Aaron P Scheibe, South Dakota State's Attorneys Association, PIERRE
Doug Clark, Deputy Secretary, Department of Corrections

MOTION: AMEND SB 141

"Remove lines 14 and 15."
Moved by: Diedrich
Action: Died for lack of a second

THE CHAIR DEFERRED SB 141 UNTIL FEBRUARY 11TH, 2021

The gavel was passed to Vice Chair Duhamel.

SB 146 : revise certain provisions regarding eligibility for parole for certain persons sentenced to life imprisonment.

Proponents: Senator Arthur Rusch (Handout(s) 2)
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Darrel Middletent, self
Dennis Lynn Davis, South Dakotans Opposed to the Death Penalty, Vermillion
Steve Siegel, South Dakota Trial Lawyers Association, Pierre
Dr. Steven Manlove, self, Rapid City
Opponents: Jason Ravensborg, Attorney General of South Dakota (Handout(s) 1)
Aaron Scheibe, Department of Public Safety

MOTION: DO PASS SB 146

Moved by: Rohl

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

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

Excused: Schoenbeck

The gavel was passed back to Chairman Rusch.

THE CHAIR DEFERRED HB 1068 AND SB 163 UNTIL FEBRUARY 11TH, 2021

MOTION: ADJOURN

Moved by: Wheeler
Second by: Rohl
Action: Prevailed by voice vote

Courtney Merchant, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair