

Committee: House Judiciary

Wednesday, February 24, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Hansen**

**MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 22<sup>ND</sup>**

Moved by: Pischke  
Second by: Rehfeldt  
Action: Prevailed by voice vote

**HB 1154 : prohibit employment contracts restricting competitive health care practices.**

Presented by: Representative Fred Deutsch

Proponents: Don Hagger, Americans for Prosperity for South Dakota, Arlington, South Dakota  
Jeremy Storm, M.D. self, Sioux Falls, South Dakota  
Dean Krogman, State Medical Association SD, Sioux Falls  
Dr. Scott VanKeulen, M.D. self, Mitchell, South Dakota  
Sam Nelson, South Dakota Association of Nurse Anesthetists

Opponents: Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls  
Deb Fischer-Clemens, Avera Health, Sioux Falls  
Mitchel Rave, Sandford Health, Sioux Falls, South Dakota

**MOTION: AMEND HB 1154**

1154B

On page 2, line 5, of the Introduced bill, after "practice" delete ", if the restriction does not extend for more than two years"

On page 2, line 9, of the Introduced bill, after "36-4A;

(3)" insert "A certified nurse practitioner licensed in accordance with chapter 36-9A;

(4) A certified nurse midwife licensed in accordance with chapter 36-9A;

(5) "

On page 2, line 11, of the Introduced bill, delete "(4)" and insert "(6)"

On page 2, line 12, of the Introduced bill, delete "(5)" and insert "(7)"

Moved by: Sue Peterson

Second by: Rehfeldt

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1154 AS AMENDED**

Moved by: Aylward

Second by: Soye

Action: Prevailed by roll call vote (7-6-0-0)

Voting Yes: Aylward, Odenbach, Sue Peterson, Rehfeldt, Soye, St. John, and Hansen

Voting No: Barthel, Cwach, Pischke, Pourier, Reimer, and Stevens

**HB 1075 : limit directives and incentives for extreme risk protection orders and to provide a penalty.**

Presented by: Representative Aaron Alyward

Proponents: Brenden Boudreau, Director of Field Operations, National Association of Gun Rights, Loveland, Colorado  
Luke Balzer, self, Rapid City, South Dakota

**MOTION: AMEND HB 1075**

1075B

On page 1, line 10, of the Introduced bill, after "resident" insert ", in order to reduce the risk of physical harm to himself, herself, or another,"

On page 1, line 11, of the Introduced bill, after "firearms" insert " or ammunition"

On page 1, line 12, of the Introduced bill, after "firearm" insert " or ammunition"

On page 1, line 23, of the Introduced bill, after "felony." insert "

Nothing in this section affects the issuance of a protection order under chapter 22-19A, in cases of stalking, physical injury as a result of an assault, or crimes of violence, or under chapter 25-10, in cases of domestic abuse. "

Moved by: Odenbach

Second by: Stevens

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1075 AS AMENDED**

Moved by: Sue Peterson

Second by: Soye

Action: Prevailed by roll call vote (10-3-0-0)

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, St. John, and Hansen

Voting No: Cwach, Pourier, and Stevens

**The Chair announced the committee would be at recess to later reconvene 10 minutes after the House recesses in Room 413.**

**The House Judiciary committee reconvened at 5:25PM**

**HB 1164 : establish certain provisions related to law enforcement.**

Presented by: Representative Shawn Bordeaux

Opponents: Charles McGuigan, Chief Deputy, Office of the Attorney General  
Jason Husby, Department of Public Safety, Pierre, South Dakota

**MOTION: DEFER HB 1164 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Pischke  
Second by: Rehfeldt  
Action: Prevailed by roll call vote (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

**HB 1080 : increase the enhanced penalty for the crime of simple assault.**

Presented by: Representative Tim Reed  
Proponents: Dan Nelson, Brookings State's Attorney, Brookings, South Dakota  
Aaron P Scheibe, South Dakota State's Attorneys Association, Pierre  
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls  
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,  
South Dakota (Handout(s) 1)

**MOTION: AMEND HB 1080**

1080A

- On page 1, line 16, of the Introduced bill, after "section" insert " or under the comparable law of any other state"
- On page 1, line 17, of the Introduced bill, after "§ 22-18-1.05" insert " or under the comparable law of any other state"
- On page 1, line 17, of the Introduced bill, after "§ 22-18-1.1" insert " or under the comparable law of any other state"
- On page 1, line 17, of the Introduced bill, after "§ 22-18-26" insert " or under the comparable law of any other state"
- On page 1, line 18, of the Introduced bill, after "§ 22-18-26.1" insert " or under the comparable law of any other state"
- On page 1, line 18, of the Introduced bill, after "§ 22-18-29" insert " or under the comparable law of any other state,"

Moved by: Reimer  
Second by: Barthel  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1080 AS AMENDED**

Moved by: Barthel  
Second by: Rehfeldt  
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Barthel, Sue Peterson, Pourier, Rehfeldt, Soye, St. John, Stevens, and Hansen

Voting No: Aylward, Cwach, Odenbach, Pischke, and Reimer

**HB 1081 : increase the penalty for protection order violations.**

Presented by: Representative Tim Reed  
Proponents: Dan Nelson, Brookings State's Attorney, Brookings, South Dakota  
Aaron P Scheibe, South Dakota State's Attorneys Association, Pierre

Opponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls  
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,  
South Dakota (Handout(s) 1)

**MOTION: AMEND HB 1081**

1081A

On page 1, line 11, of the Introduced bill, after "§ 25-10-13, " insert "or the comparable laws of any other state, "

On page 1, line 25, of the Introduced bill, after "§ 25-10-13, " insert "or the comparable laws of any other state, "

On page 2, line 17, of the Introduced bill, after "§ 22-19A-16," insert " or the comparable laws of any other state,"

Moved by: Reimer  
Second by: Odenbach  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1081 AS AMENDED**

Moved by: Stevens  
Second by: Barthel  
Action: Prevailed by roll call vote (8-4-1-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Voting No: Aylward, Cwach, Pischke, and Soye

Excused: Pourier

**HB 1096 : provide a penalty for sexual contact with a minor by a person holding a position of authority.**

Presented by: Representative Tim Reed  
Proponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls  
Cam Corey, Department of Criminal Investigation, Pierre, South Dakota  
Representative Charlie Hoffman  
Aaron P Scheibe, South Dakota State's Attorneys Association, Pierre  
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,  
South Dakota (Handout(s) 1)

**MOTION: AMEND HB 1096**

1096A

On page 1, line 7, of the Introduced bill, delete "3 " and insert "4 "  
On page 1, line 9, of the Introduced bill, delete "two " and insert "five "

Moved by: Rehfeldt  
Second by: Odenbach  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1096 AS AMENDED**

Moved by: Stevens  
Second by: Barthel  
Action: Prevailed by roll call vote (10-2-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Rehfeldt, Reimer, Soye, St. John, and Stevens

Voting No: Pischke and Hansen

Excused: Pourier

**MOTION: ADJOURN**

Moved by: Stevens  
Second by: Rehfeldt  
Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

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/s/ JON HANSEN  
Jon Hansen, Chair