

Committee: House Judiciary

Monday, March 01, 2021 10:00 AM

Roll Call

Present: 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
Excused: Rep. Aylward

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF FRIDAY, MARCH 26TH

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

Rep Stevens was passed the gavel going forward.

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

Presented by: Representative Charlie Hoffman
Proponents: Senator Arthur Rusch (Handout(s) 1)
Dr. Steve Manlove, self, Rapid City, South Dakota
Darrel Middleton, self, Lower Brule, South Dakota
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota
Steve Seigel, Lobbyist, South Dakota Trail Lawyers, Pierre, South Dakota
Denny Davis, South Dakota for Alternatives to the Death Penalty, Vermillion, South Dakota
Opponents: Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Charles McGuigan, Chief Deputy, Office of the Attorney General (Handout(s) 2)

MOTION: DEFER SB 146 TO THE 41ST LEGISLATIVE DAY

Moved by: Barthel
Second by: Reimer
Action: Prevailed by roll call vote (9-2-2-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, and Stevens

Voting No: Cwach and St. John

Excused: Aylward and Hansen

SB 135 : reform training requirements for law enforcement officers.

Presented by: Rachel Oglesby, Governor's Office

Proponents: Charles McGuigan, Chief Deputy, Office of the Attorney General
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota

MOTION: DO PASS SB 135

Moved by: Sue Peterson

Second by: Rehfeldt

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

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

Excused: Aylward, Pourier, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 135 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 174 : revise provisions related to the automatic removal of certain charges or convictions from a defendant's public record.

Presented by: Representative David Wheeler

Proponents: Steve Seigel, Lobbyist, South Dakota Trail Lawyers, Pierre, South Dakota

MOTION: DO PASS SB 174

Moved by: Barthel

Second by: Rehfeldt

Action: Prevailed by roll call vote (11-0-2-0)

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

Excused: Aylward and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 174 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 193 : revise certain provisions regarding remote notarization.

Presented by: Representative David Wheeler

Proponents: Eric Hanson, self, Sioux Falls, South Dakota
Roger Tellinghuisen, South Dakota Association of County Officials, Pierre
Rachel Oglesby, Governor's Office
Matt McCauley, Attorney, Land Title Association, Sioux Falls, South Dakota

MOTION: DO PASS SB 193

Moved by: Odenbach

Second by: Pischke
Action: Prevailed by roll call vote (10-1-2-0)

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

Voting No: Soye

Excused: Aylward and Hansen

SB 141 : revise the automatic removal of certain convictions from a background check record.

Presented by: Representative Tamara St. John

Proponents: Senator Michael Rohl
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota

Opponents: Emmitt Reistroffer, Johnson Properties LLC, Sioux Falls, South Dakota
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Bridget Coppersmith, Department of Corrections

Rep Hansen was passed back the gavel at this point forward.

MOTION: DO PASS SB 141

Moved by: Rehfeldt
Second by: Pischke
Action: Prevailed by roll call vote (7-4-2-0)

Voting Yes: Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, and St. John

Voting No: Barthel, Soye, Stevens, and Hansen

Excused: Aylward and Reimer

SB 176 : adopt the Uniform Faithful Presidential Electors Act.

Presented by: Representative Mike Stevens

MOTION: DO PASS SB 176

Moved by: Barthel
Second by: Cwach
Action: Failed by roll call vote (5-5-3-0)

Voting Yes: Barthel, Cwach, Rehfeldt, Stevens, and Hansen

Voting No: Odenbach, Sue Peterson, Pischke, Soye, and St. John

Excused: Aylward, Pourier, and Reimer

MOTION: DEFER SB 176 UNTIL WEDNESDAY, MARCH 03RD, 2021

Moved by: Pischke
Second by: Rehfeldt
Action: Prevailed by roll call vote (9-1-3-0)

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

Voting No: Soye

Excused: Aylward, Pourier, and Reimer

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair