Committee: Senate Judiciary Thursday, March 04, 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 TUESDAY, MARCH 02ND

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

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

Proponents: Representative Tim Reed
Dan Nelson, Brookings State's Attorney, Brookings, South Dakota
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Paul Bachand, Attorney, South Dakota State's Attorneys Association
Stacy Wickre, Pennington County State's Attorney
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS HB 1080

Moved by: Schoenbeck
Second by: Diedrich
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1080 TO THE 41ST LEGISLATIVE DAY

Moved by: Wheeler
Second by: Rusch
Action: Failed by Majority Members Elect (2-5-0-0)

Voting Yes: Rusch and Wheeler

Voting No: Diedrich, Duhamel, Johns, Schoenbeck, and Rohl

Revert to previous motion

MOTION: DO PASS HB 1080

Moved by: Schoenbeck
Second by: Diedrich
Action: Prevailed by Majority Members Elect (5-2-0-0)

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

Voting No: Rusch and Wheeler

HB 1081 : increase the penalty for protection order violations.

Proponents: Representative Tim Reed
Dan Nelson, Brookings State's Attorney, Brookings, South Dakota
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Paul Bachand, South Dakota State's Attorneys Association
Stacy Wickre, Pennington County State's Attorney
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS HB 1081

Moved by: Johns
Second by: Schoenbeck
Action: Prevailed by Majority Members Elect (4-3-0-0)

Voting Yes: Diedrich, Duhamel, Johns, and Schoenbeck

Voting No: Rusch, Wheeler, and Rohl

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

Proponents: Representative Tim Reed
Delaney Jean, self, Sioux Falls
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Paul Bachand, South Dakota State's Attorneys Association
Representative Charlie Hoffman
Cameron Corey, self, Watertown
Stacy Wickre, Pennington County State's Attorney

MOTION: DO PASS HB 1096

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

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

Excused: Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1096 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1194 : authorize the review of certain executive orders issued by the President of the United States.

Proponents: Representative Aaron Aylward
Mark Miller, General Counsel, Office of the Governor
Linda Schauer, Concerned Women for America, Alexandria

Mike Maharrey, self, Yulee, Florida
Opponents: Jett Jonelis, Advocacy Manager, American Civil Liberties Union

MOTION: **AMEND HB 1194**

1194C

On page 1, line 17, of the House State Affairs bill, after "that " delete "restricts a person's constitutional rights or that "
Moved by: Schoenbeck
Second by: Rohl
Action: Prevailed by voice vote

MOTION: **DEFER HB 1194 TO THE 41ST LEGISLATIVE DAY**

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

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

Excused: Diedrich

HB 1212 : clarify the use of force.

Proponents: Senator John Wiik
Representative Kevin Jensen
Brian Gosch, National Rifle Association of America, Fairfax, VA
Brian Burge, Self, Beresford
Opponents: Paul Bachand, South Dakota State's Attorneys Association
Steve Siegel, South Dakota Trial Lawyers Associaiton, Pierre
Jett Jonelis, Advocacy Manager, American Civil Liberties Union
Rachel Lindvall, self, Rapid City
Taneeza Islam, South Dakota Voices for Justice, Sioux Falls
Jackie Rippert, self, Brookings
Susan Torres, self, Sioux Falls
Tiffany Thoelke, self, Sioux Falls
Julie Parker, self, Sioux Falls

MOTION: **DO PASS HB 1212**

Moved by: Schoenbeck
Second by: Rohl
Action: Failed by Majority Members Elect (2-4-1-0)

Voting Yes: Schoenbeck and Rohl

Voting No: Duhamel, Johns, Rusch, and Wheeler

Excused: Diedrich

MOTION: **DEFER HB 1212 TO THE 41ST LEGISLATIVE DAY**

Moved by: Johns
Second by: Wheeler
Action: Prevailed by Majority Members Elect (4-2-1-0)

Voting Yes: Duhamel, Johns, Rusch, and Wheeler

Voting No: Schoenbeck and Rohl

Excused: Diedrich

HB 1199 : establish the Office of Liaison for Missing and Murdered Indigenous Persons.

Proponents: Representative Peri Pourier
Kevin Killer, President of the Oglala Sioux Tribe
Peter Lengkeek, President of Crow Creek Sioux Tribe
Rodney Bordeaux, President of Rosebud Sioux Tribe
Seth Pearman, Flandreau Sioux Tribe, Flandreau
Ross B Garelick Bell, Yankton Sioux Tribe, Wagner
Kellen Returns From Scout, Standing Rock Sioux Tribe, self, Rapid City
Eileen Briggs, self, Cheyenne River Reservation
Red Dawn Foster, Senator
Jett Jonelis, Advocacy Manager, American Civil Liberties Union
Taneeza Islam, South Dakota Voices for Justice, Sioux Falls

MOTION: **DO PASS HB 1199**

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

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1199 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

Courtney Merchant, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair