

Committee: House Judiciary

Wednesday, March 03, 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, MARCH 01ST

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

SB 126 : establish the crime of possession, manufacturing, or distribution of obscene dolls.

Presented by: Senator Jessica Castleberry
Proponents: Carrie Sanderson, Director, Center of the Prevention of Child Maltreatment, Sioux Falls
Katie Hruska, Deputy General Counsel, Governor's Office
Lisa Gennero, Concerned Women for America, Keystone, South Dakota
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Staci Ackerman, South Dakota Sheriffs Association, Eureka

MOTION: DO PASS SB 126

Moved by: Sue Peterson
Second by: Rehfeldt
Action: Prevailed by roll call vote (12-0-1-0)

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

Excused: Soye

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 126 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 148 : establish the crime of torture of a human trafficking victim and provide a penalty therefor.

Presented by: Senator Michael Diedrich
Proponents: Lisa Gennero, Concerned Women for America, Keystone, South Dakota
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota

MOTION: DO PASS SB 148

Moved by: Sue Peterson
Second by: Odenbach
Action: Prevailed by roll call vote (12-0-1-0)

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

Excused: Soye

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 148 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 79 : make certain uses of laser pointers unlawful.

Presented by: Representative Doug Barthel
Proponents: Staci Ackerman, South Dakota Sheriffs Association, Eureka
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota

MOTION: DO PASS SB 79

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by roll call vote (12-0-1-0)

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

Excused: Soye

SB 95 : provide immunity for actions assisting an impaired lawyer or judge.

Presented by: Senator Tim Johns
Proponents: Andy Fergel, Executive Director of the State Bar, Pierre, South Dakota
Greg Sattizahn, State Court Administrator United Judicial System
Steve Seigel, Lobbyist, South Dakota Trial Lawyers, Pierre, South Dakota
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota

MOTION: DO PASS SB 95

Moved by: Stevens
Second by: Odenbach
Action: Prevailed by roll call vote (11-0-2-0)

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

Excused: Aylward and Soye

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 95 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.

Presented by: Andy Fergel, Executive Director of the State Bar, Pierre, South Dakota

MOTION: DO PASS SB 75

Moved by: Pischke
Second by: Rehfeldt
Action: Prevailed by roll call vote (12-0-1-0)

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

Excused: Aylward

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

SB 173 : revise certain provisions related to competency hearings.

Presented by: Senator David Wheeler (Handout(s) 1)

Proponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota
Tim Neyhart, Disability Rights South Dakota, Pierre
Charles McGuigan, Chief Deputy, Office of the Attorney General

Opponents: Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota

MOTION: DO PASS SB 173

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by roll call vote (11-2-0-0)

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

Voting No: Odenbach and Soye

SB 176 : adopt the Uniform Faithful Presidential Electors Act.

Presented by: Senator Tim Johns

Proponents: Kea Warne, Office of Secretary of State

MOTION: DEFER SB 176 TO THE 41ST LEGISLATIVE DAY

Moved by: Sue Peterson
Second by: Odenbach
Action: Prevailed by roll call vote (8-4-1-0)

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

Voting No: Barthel, Cwach, Pourier, and Stevens

Excused: Rehfeldt

SB 164 : modify the process for civil forfeiture.

Presented by: Representative Bethany Soye
Proponents: Don Haggar, Americans For Prosperity, Arlington
Charles McGuigan, Chief Deputy, Office of the Attorney General
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,
South Dakota (Handout(s) 2)

MOTION: DO PASS SB 164

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

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

Voting No: Stevens

Excused: Rehfeldt and Reimer

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair