

Committee: Senate Judiciary

Tuesday, January 25, 2022 8:00 AM

Roll Call

Present: Sen. Diedrich, Sen. Johns, Sen. Rohl, Sen. Stalzer, Sen. Wheeler, and
Sen. Duhamel

Present (Remote): Sen. Rusch

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Duhamel

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 20TH

Moved by: Johns

Second by: Diedrich

Action: Prevailed by voice vote

Senator Duhamel passed the gavel to Senator Johns.

Senator Johns stated action on SB82 would be deferred to a later date.

SB 82 : revise the admissibility of certain statements made by persons with developmental disabilities concerning certain crimes.

Presented by: Senator Helene Duhamel, District 32

Proponents: Roxanne Hammond, Self

MOTION: TO TABLE SB 82

Moved by: Diedrich

Second by: Wheeler

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

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

SB 16 : repeal provisions related to the prosecution, search, seizure, penalty, or discipline of medical cannabis establishments for certain conduct.

Presented by: Senator Helene Duhamel, District 32

Proponents: Roxanne Hammond, Self

Tony Harrison, Captain, Pennington County South Dakota Sheriff's Office

Richard Tieszen, South Dakota Sheriffs' Association, Eureka

Grant M. Flynn, South Dakota State's Attorneys Association, PIERRE

Opponents: Terra Larson, SD Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS SB 16

Moved by: Stalzer

Second by: Diedrich

Action: Prevailed by roll call vote (6-1-0-0)

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

Voting No: Wheeler

Senator Johns passed the gavel back to Senator Duhamel.

SB 83 : modify when a motion for expungement of an arrest record may be made.

Presented by: Senator Michael Rohl, District 1
Proponents: Ryan Kolbeck, self, Sioux Falls
Steve Drenth, self, Sioux Falls
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Paul Bachand, State Attorney, South Dakota Attorney General's Office
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls
Lisa Nolen, Americans For Prosperity, SIOUX FALLS

MOTION: AMEND SB 83

83A

On page 1, line 8, of the Introduced bill, remove the overstrikes from "After one year from the date"
On page 1, line 8, of the Introduced bill, after "date" delete "At any time after"
On page 1, line 9, of the Introduced bill, after "record;" delete " or"
On page 1, line 10, of the Introduced bill, delete the period and insert "; or
(4) Within one year from the date the prosecuting attorney formally dismisses the entire criminal case on the record upon a showing of good cause."

Moved by: Rohl
Second by: Wheeler
Action: Prevailed by roll call vote (7-0-0-0)

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

MOTION: AMEND SB 83

83B

On the previously adopted amendment (83A), On page 1, line 12, delete " good cause" and insert " compelling necessity"

Moved by: Rohl
Second by: Diedrich
Action: Prevailed by roll call vote (7-0-0-0)

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

MOTION: AMEND SB 83

83C

On the previously adopted amendment (83B), On page 1, line 1, after "made" insert " and to declare an emergency"

On the previously adopted amendment (83B), On page 1, after line 13, insert: "

Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Stalzer
Second by: Rohl
Action: Prevailed by roll call vote (7-0-0-0)

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

MOTION: DO PASS SB 83 AS AMENDED

Moved by: Johns
Second by: Wheeler
Action: Prevailed by roll call vote (7-0-0-0)

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

SB 7 : revise provisions related to custody and visitation rights by medical cannabis cardholders.

Presented by: Senator David Wheeler, District 22

MOTION: DO PASS SB 7

Moved by: Rohl
Second by: Stalzer
Action: Prevailed by roll call vote (7-0-0-0)

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

SB 22 : revise a reference to the Division of Criminal Investigation.

Presented by: Senator David Wheeler, District 22

MOTION: DO PASS SB 22

Moved by: Rohl
Second by: Stalzer
Action: Prevailed by roll call vote (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 22 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 72 : establish the crime of hazing and to provide a penalty therefor.

Presented by: Senator Michael Rohl, District 1 (Handout(s) 1)
Opponents: Terra Larson, SD Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS SB 72

Moved by: Wheeler

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

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

MOTION: ADJOURN

Moved by: Stalzer
Second by: Johns
Action: Prevailed by roll call vote (7-0-0-0)

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

Lorna Shell, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Vice-Chair