

Committee: House Judiciary

Wednesday, January 26, 2022 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, and Rep. Stevens

Present (Remote): Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Stevens

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 24TH

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

HB 1085 : expand the eligibility for a small estate probate.

Presented by: Representative Will Mortenson, District 24
Proponents: Jamie Damon, Self, Pierre

MOTION: DO PASS HB 1085

Moved by: Barthel
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (13-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1085 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1057 : prohibit the unauthorized transfer of cannabis and cannabis products by a medical cannabis cardholder to another person.

Presented by: Representative Fred Deutsch, District 4
Proponents: Nate Thompson, Self, Golden, Colorado
Libby Stuyt MD, Self, Salida, Colorado
Jo McGuire, Self, Colorado Springs, CO
Henny Lasley, One Chance To Grow Up, Colorado
Rachel O'Bryan, One Chance to Grow Up, Denver, Colorado
Staci Ackerman, South Dakota Sheriffs Association, Eureka
Opponents: Jeremiah M. Murphy, Cannabis Industry Association of SD, Sioux Falls
Emmett Reistroffer, Self, Sioux Falls
Kittrick Jeffries, Dakota Cannabis Consulting, Rapid City

MOTION: DEFER HB 1057 TO THE 41ST LEGISLATIVE DAY

Moved by: Pischke
Second by: Rehfeldt
Action: Failed by Majority Members Elect (6-7-0-0)

Voting Yes: Aylward, Cwach, Pischke, Pourier, Rehfeldt, and St. John

Voting No: Barthel, Odenbach, Sue Peterson, Reimer, Soye, Stevens, and Hansen

MOTION: DO PASS HB 1057

Moved by: Barthel
Second by: Soye
Action: Prevailed by Majority Members Present (7-6-0-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, Reimer, Soye, Stevens, and Hansen

Voting No: Aylward, Cwach, Pischke, Pourier, Rehfeldt, and St. John

HB 1052 : place limitations on the enforcement of federal laws and directive related to firearms and ammunition.

Presented by: Representative Aaron Aylward, District 6
Proponents: Senator Jessica Castleberry, District 35
Tonchi Weaver, South Dakota Citizens for Liberty, Rapid City
Opponents: Richard Tieszen, South Dakota Sheriffs' Association, Eureka
Jason Husby, Department of Public Safety
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre
Yvonne Taylor, South Dakota Police Chiefs Association, Fort Pierre
Roger Tellinghuisen, South Dakota Association of County Commissioners, Pierre
Mary Garrigan, Moms Demand Action for Gun Sense in America, Rapid City, South Dakota (Handout(s) 1)

THE CHAIR DEFERRED HB 1052 UNTIL MONDAY, FEBRUARY 14TH 2022

HB 1026 : prohibit eligibility for a suspended imposition of sentence for the crime of rape.

Presented by: Representative Mary Fitzgerald, District 31
Proponents: Robert Brancato, Self, Fort Worth, Texas
Victoria Blankenship, Self, Box Elder, South Dakota
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls
Brian Burge, Self, Beresford
Others: Paul Bachand, State Attorney, South Dakota Attorney General's Office

MOTION: DEFER HB 1026 TO THE 41ST LEGISLATIVE DAY

Moved by: Cwach
Second by: Pischke
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: AMEND HB 1026

1026A

On page 1, line 20, of the Introduced bill, after "under" delete " §"
On page 1, line 20, of the Introduced bill, after "§ " insert "subdivisions "
On page 1, line 20, of the Introduced bill, after "22-22-1" insert "(1), (2), and (3)"
Moved by: Soye
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (10-2-1-0)

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

Voting No: Pischke and Hansen

Excused: Reimer

MOTION: DO PASS HB 1026 AS AMENDED

Moved by: Rehfeldt
Second by: Sue Peterson
Action: Prevailed by Majority Members Elect (11-1-1-0)

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

Voting No: Pischke

Excused: Reimer

MOTION: ADJOURN

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

Kaitlyn Baucom, Committee Secretary

/s/ MIKE STEVENS
Mike Stevens, Vice-Chair