

Committee: Senate Judiciary

Thursday, January 27, 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 TUESDAY, JANUARY 25TH

Moved by: Johns

Second by: Rohl

Action: Prevailed by voice vote

Senator Duhamel passed the gavel to Senator Johns.

SB 77 : enhance the penalty on registered sex offenders who commit sexual contact without consent from a person capable of consenting.

Presented by: Senator Helene Duhamel, District 32

Proponents: Roxanne Hammond, Self

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

Opponents: Justin Bell, South Dakota State Medical Association, Sioux Falls

Others: Paul Bachand, State Attorney, South Dakota Attorney General's Office

MOTION: DEFER SB 77 UNTIL TUESDAY, FEBRUARY 01ST, 2022

The chair deferred SB77 to February 1, 2022.

SB 78 : revise the enhanced penalty for unauthorized manufacture, distribution, counterfeiting or possession of Schedule I or II substances.

Presented by: Senator Helene Duhamel, District 32

Proponents: Cassie Wendt, Self, Belle Fourche

Charles McGuigan, Office of the Attorney General

Preston Patterson, self, Rapid City

Casey Kenrick, self, Rapid City

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

Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS SB 78

Moved by: Duhamel

Second by: Stalzer

Action: Failed by Majority Members Elect (2-4-1-0)

Voting Yes: Stalzer and Duhamel

Voting No: Johns, Rohl, Wheeler, and Rusch

Excused: Diedrich

MOTION: DEFER SB 78 TO THE 41ST LEGISLATIVE DAY

Moved by: Rohl

Second by: Wheeler

Action: Prevailed by Majority Members Elect (5-1-1-0)

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

Voting No: Duhamel

Excused: Diedrich

Senator Johns passed the gavel back to Senator Duhamel.

HB 1036 : revise certain provisions regarding search warrants for tracking devices.

Presented by: Charles McGuigan, Office of the Attorney General

Others: Preston Patterson, self, Rapid City

MOTION: DO PASS HB 1036

Moved by: Johns

Second by: Stalzer

Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1036 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1068 : clarify the processing of sexual assault kits performed on individuals ages sixteen and seventeen.

Presented by: Representative Tim Reed

Proponents: Carrie Sanderson, Center for the Prevention of Child Maltreatment, Sioux Falls
Jennifer Stalley, South Dakota Nurses Association, SIOUX FALLS
Justin Bell, South Dakota State Medical Association, Sioux Falls

MOTION: AMEND HB 1068

1068A

On page 1, line 10, of the Introduced bill, after "kit." delete " This consent is not subject to disaffirmance because of minority or disaffirmance of a parent or guardian, and consent"

On page 1, line 12, of the Introduced bill, after "consent " insert "Consent "

Moved by: Johns

Second by: Rohl

Action: Prevailed by roll call vote (5-1-1-0)

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

Voting No: Wheeler

Excused: Diedrich

MOTION: DO PASS HB 1068 AS AMENDED

Moved by: Stalzer

Second by: Rohl

Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Diedrich

MOTION: ADJOURN

Moved by: Stalzer

Second by: Johns

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

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

Excused: Diedrich

Lorna Shell, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Vice-Chair