

Committee: Senate Judiciary

Tuesday, February 01, 2022 8:00 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Rusch

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 27TH

Moved by: Rohl
Second by: Duhamel
Action: Prevailed by voice vote

HB 1069 : include out-of-state convictions as a basis of an enhanced penalty for certain drug crimes.

Presented by: Senator Al Novstrup, District 3
Proponents: Representative Carl Perry, District 3
Paul Bachand, South Dakota States Attorneys Association, Pierre
Ernest Thompson, self, Aberdeen
Opponents: Terra Larson, SD Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS HB 1069

Moved by: Stalzer
Second by: Duhamel
Action: Prevailed by Majority Members Elect (6-1-0-0)

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

Voting No: Rusch

HB 1065 : repeal references to nonresident holders of concealed pistol permits.

Presented by: Representative Kevin Jensen, District 16

MOTION: DO PASS HB 1065

Moved by: Stalzer
Second by: Wheeler
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1065 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 103 : make an appropriation to support the teen court grant program and to declare an emergency.

Presented by: Senator Jean Hunhoff, District 18

Proponents: Representative Larry Tidemann, District 7

Jennifer Stalley, South Dakota Teen Court Association, Pierre (Handout(s) 1)

Opponents: Derek Johnson, Bureau of Finance and Management

MOTION: REFER SB 103 TO JOINT COMMITTEE ON APPROPRIATIONS DO PASS

Moved by: Wheeler

Second by: Diedrich

Action: Prevailed by Majority Members Present (7-0-0-0)

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

SB 107 : provide for the remote witnessing of certain legal instruments.

Presented by: Senator David Wheeler, District 22

Proponents: Andrew L. Fergel, State Bar of South Dakota, Pierre

Tom Simmons, self, Vermillion

Bobbie Thury, self, Sioux Falls

Erik Nelson, AARP, Sioux Falls

MOTION: DO PASS SB 107

Moved by: Johns

Second by: Stalzer

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

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

Excused: Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 107 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1104 : revise provisions related to the location of courtroom facilities.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1104

Moved by: Diedrich

Second by: Duhamel

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

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

Excused: Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1104 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1105 : allow for a good cause exception to the time for an involuntary commitment hearing.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1105

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

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

Excused: Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1105 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

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
Others: Paul Bachand, South Dakota States Attorneys Association, Pierre

MOTION: AMEND SB 77

77A

On page 1, line 9, of the Introduced bill, after "felony." insert "
An allegation that a defendant is registered as a sex offender pursuant to chapter 22-24B must be filed as a separate information at the time of, or before, arraignment. The separate information must state the time and place of the defendant's conviction and the specific sex crime that resulted in the defendant's conviction. The separate information must be signed by the prosecutor. "

Moved by: Duhamel
Second by: Stalzer
Action: Prevailed by voice vote

MOTION: SUBSTITUTE MOTION: AMEND SB 77

77B

On page 1, line 8, of the Introduced bill, after "section" delete " by a person registered as a sex offender pursuant to chapter 22-24B at the time of the offense"
On page 1, line 9, of the Introduced bill, after "felony" insert " if committed by a person who has been convicted of a sex crime as defined in § 22-24B-1 within ten years of the offense.
An allegation that a defendant has previously been convicted of a sex crime must be filed as a separate information at the time of, or before, arraignment. The separate information must state the time and place of the defendant's conviction and the specific sex crime

that resulted in the defendant's conviction. The separate information must be signed by the prosecutor. The separate information may not be divulged to the jury in any manner unless and until the defendant has been convicted of the principal offense"

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

Revert to previous motion

MOTION: DO PASS SB 77 AS AMENDED

Moved by: Johns
Second by: Duhamel
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

MOTION: ADJOURN

Moved by: Diedrich
Second by: Duhamel
Action: Prevailed by voice vote

Lorna Shell, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair