

Committee: House Judiciary

Wednesday, February 02, 2022 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Poirier, Rep. Rehfeldt, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen
Excused: Rep. Reimer

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 31ST

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

THE CHAIR DEFERRED HB 1008 AND 1132

HB 1136 : revise oversight and reporting requirements concerning cannabis.

Presented by: Representative Rhonda Milstead, District 9

MOTION: DO PASS HB 1136

Moved by: Soye
Second by: St. John
Action: Prevailed by Majority Members Elect (8-3-2-0)

Voting Yes: Aylward, Odenbach, Pischke, Rehfeldt, Soye, St. John, Stevens, and Hansen

Voting No: Barthel, Cwach, and Poirier

Excused: Sue Peterson and Reimer

MOTION: AMEND HB 1160

1160B

On the Introduced bill, delete the previously adopted amendment (1160A).

On page 1, line 5, delete ", provided the court finds the defendant has the present and continued ability to pay the costs of the program. A person may not be jailed for the inability to pay the costs of the pre-trial 24/7 program." and insert " However, no person may be jailed nor a person's bond or pre-trial release revoked for failure to pay the associated costs and expenses of the program unless a court has found that the person has the present and continued ability to pay the costs of the program. Any costs and expenses of the program not paid by the person prior to the disposition of a criminal case may be imposed upon disposition of the person's case if a court finds the person has the ability to pay the costs of the program."

On page 1, line 9, after "program." insert "The burden of proof must be consistent with § 23A-27-25.5."

Moved by: Pischke

Second by: Rehfeldt
Action: Prevailed by voice vote

HB 1160 : clarify bond or pre-trial release upon sobriety program participation.

Presented by: Representative Jess Olson, District 34

Proponents: Koln Fink, self, Sioux Falls
Matt Laidlaw, self, Rapid City
Lisa Nolen, Americans For Prosperity, Sioux Falls
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
(Handout(s) 1, 2)
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls

Opponents: Charles McGuigan, Office of the Attorney General
Staci Ackerman, South Dakota Sheriffs Association, Eureka
Lori Martinec, South Dakota Police Chiefs Association, Fort Pierre

MOTION: DEFER HB 1160 TO THE 41ST LEGISLATIVE DAY

Moved by: Odenbach
Second by: Barthel
Action: Failed by Majority Members Elect (4-8-1-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, and Soye

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

Excused: Reimer

MOTION: DO PASS HB 1160 AS AMENDED

Moved by: Pischke
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (10-2-1-0)

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

Voting No: Barthel and Odenbach

Excused: Reimer

MOTION: ADJOURN

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

Kaitlyn Baucom, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair