

Committee: Senate Judiciary

Tuesday, February 15, 2022 7:45 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, FEBRUARY 10TH

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

SB 159 : exempt any person suffering from a severe mental illness from capital punishment.

Presented by: Senator Timothy Johns, District 31
Proponents: Steve Manlove, MD, self, Rapid City
Phyllis Arends, self, Sioux Falls
Terry Dosch, South Dakota Council of Community Behavioral Health, Pierre
Sister Kathleen Bierne, Presentation Sisters of Aberdeen, Aberdeen
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls
Opponents: Stephen Gemar, Office of the Attorney General
Grant Flynn, State's Attorney's Association, Pierre

MOTION: AMEND SB 159

159A

On page 1, line 19, of the Introduced bill, after "ill," delete " means"
On page 1, line 19, of the Introduced bill, after "means " insert "includes diagnoses of "
On page 1, line 21, of the Introduced bill, delete "traumatic brain injury with psychotic features" and
insert " schizoaffective disorder with psychotic features"

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

MOTION: DO PASS SB 159 AS AMENDED

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

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

Voting No: Stalzer

Chairman Rusch passed the gavel to Senator Duhamel.

SB 172 : revise provisions regarding eligibility for parole for certain persons sentenced to life imprisonment.

Presented by: Senator Arthur Rusch, District 17 (Handout(s) 1)
Proponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Steve Manlove, MD, self, Rapid City
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls
Representative Tamara St. John, District 1
Opponents: Charles McGuigan, Office of the Attorney General
Grant Flynn, State's Attorney's Association, Pierre

MOTION: AMEND SB 172

172A

On page 2, line 2, of the Introduced bill, after "the" delete " victim"
On page 2, line 2, of the Introduced bill, after "victim " insert "inmate "
Moved by: Wheeler
Second by: Rohl
Action: Prevailed by voice vote

MOTION: AMEND SB 172

172B

On page 1, line 8, of the Introduced bill, after "offense" insert ", except for a Class A felony,"
Moved by: Johns
Second by: Stalzer
Action: Prevailed by voice vote

MOTION: DO PASS SB 172 AS AMENDED

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

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

Voting No: Stalzer

Senator Duhamel passed the gavel back to Chairman Rusch.

SB 199 : revise provisions related to a name change for certain crime victims.

Presented by: Senator Michael Diedrich, District 34
Proponents: Kelly Patterson, Self, Piedmont
Lisa Gennero, West River Human Trafficking Task Force, self, Keystone

MOTION: AMEND SB 199

199B

On page 1, line 14, of the Introduced bill, after "abuse," delete " has a protection order or a restraining order in effect,"

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

MOTION: DO PASS SB 199 AS AMENDED

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

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

MOTION: ADJOURN

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

Lorna Shell, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair