

Committee: Senate Judiciary

Tuesday, February 15, 2022 3:00 PM

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

SB 209 : limit the provision of state assistance to federal authorities in certain matters related to firearms.

Presented by: Senator Jessica Castleberry, District 35

MOTION: TO TABLE SB 209

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

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

Excused: Rohl

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 15TH

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

Chairman Rusch passed the gavel to Senator Duhamel.

SB 169 : establish a means for certain Department of Corrections inmates to earn credit against fines or costs ordered by the sentencing court.

Presented by: Senator Arthur Rusch, District 17

Proponents: Joan Schueller, self, Pierre
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS SB 169

Moved by: Diedrich
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 169 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

Senator Duhamel passed the gavel back to Chairman Rusch.

SB 195 : establish the burden of proof after a claim of immunity.

Presented by: Senator John Wiik, District 4

Proponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Brian Gosch, National Rifle Association, Fairfax, VA
Nephi J Cole, National Shooting Sports Foundation, Newtown, CT

Opponents: Charles McGuigan, Office of the Attorney General
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

MOTION: AMEND SB 195

195A

On page 2, line 1, of the Introduced bill, after "defendant." delete "An order of a court granting or denying a motion to dismiss, in accordance with this section, may be appealed to the Supreme Court. The appeal must be taken within ten days from the written notice of entry of the judgment or order."

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

MOTION: DO PASS SB 195 AS AMENDED

Moved by: Wheeler
Second by: Stalzer
Action: Prevailed by Majority Members Elect (4-3-0-0)

Voting Yes: Diedrich, Rohl, Stalzer, and Wheeler

Voting No: Johns, Duhamel, and Rusch

MOTION: SUBSTITUTE MOTION: DEFER SB 195 TO THE 41ST LEGISLATIVE DAY

Moved by: Rusch
Second by: Duhamel
Action: Failed by Majority Members Elect (3-4-0-0)

Voting Yes: Johns, Duhamel, and Rusch

Voting No: Diedrich, Rohl, Stalzer, and Wheeler

Revert to previous motion

MOTION: ADJOURN

Moved by: Rohl

Second by: Duhamel
Action: Prevailed by voice vote

Lorna Shell, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair