

Committee: House Judiciary

Monday, February 14, 2022 3:00 PM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 14TH

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

HB 1066 : prohibit the personal possession of a loaded firearm while under the influence of marijuana or intoxicated.

Presented by: Representative Kevin Jensen, District 16 (Handout(s) 1, 2, 3)
Opponents: Jeremiah M. Murphy, Cannabis Industry Association of SD, Sioux Falls
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: AMEND HB 1066

1066D

- On page 1, line 1, of the Introduced bill, after "while " insert "intoxicated or in possession of cannabis or cannabis products"
- On page 1, line 16, of the Introduced bill, delete "Under the influence of marijuana, as that term is" and insert " In possession of cannabis or cannabis products, as"
- On page 1, line 16, of the Introduced bill, delete "§ 22-42-1" and insert " § 34-20G-1, unless the possession of cannabis or cannabis products is solely in fulfillment of the person's role as a designated caregiver for a qualifying patient, in accordance with chapter 34-20G"
- On page 1, line 19, of the Introduced bill, after "any " insert "functional "
- On page 1, line 19, of the Introduced bill, after "projectile" delete the colon
- On page 1, line 20, of the Introduced bill, delete "(1) In" and insert " in"
- On page 1, line 20, of the Introduced bill, after "revolver" delete the semicolon
- On page 1, line 21, of the Introduced bill, after "revolver;" delete "(2) In a magazine that is fixed or integral to the firearm; or
(3) In a detachable magazine that has been inserted into the firearm"

Moved by: Stevens
Second by: Sue Peterson
Action: Prevailed by voice vote

MOTION: DEFER HB 1066 TO THE 41ST LEGISLATIVE DAY

Moved by: Rehfeldt
Second by: Pischke
Action: Prevailed by roll call vote (10-1-2-0)

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

Voting No: Hansen

Excused: Pourier and Reimer

HB 1074 : classify vehicular homicide as a crime of violence.

Presented by: Representative Charlie Hoffman, District 23

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

Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls

MOTION: DO PASS HB 1074

Moved by: Barthel

Second by: Odenbach

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

Voting Yes: Barthel, Odenbach, Sue Peterson, Soye, St. John, and Hansen

Voting No: Aylward, Cwach, Pischke, Rehfeldt, Reimer, and Stevens

Excused: Pourier

MOTION: DEFER HB 1074 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens

Second by: Reimer

Action: Prevailed by Majority Members Elect (7-5-1-0)

Voting Yes: Aylward, Barthel, Cwach, Pischke, Rehfeldt, Reimer, and Stevens

Voting No: Odenbach, Sue Peterson, Soye, St. John, and Hansen

Excused: Pourier

HB 1241 : address surrogacy.

MOTION: TO TABLE HB 1241

Moved by: Sue Peterson

Second by: Odenbach

Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Voting No: Pischke

Excused: Pourier

HB 1314 : prohibit the personal possession of a loaded firearm while in possession of cannabis or cannabis products and to provide a penalty therefor.

Presented by: Representative Kevin Jensen, District 16

MOTION: AMEND HB 1314

1314A

On page 1, line 1, of the Introduced bill, delete "the personal possession of a loaded" and insert " discriminatory actions against persons engaged with the"

On page 1, line 1, delete "while in possession of cannabis or cannabis products and to provide a penalty therefor" and insert " industry"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That chapter 37-20 be amended with a NEW SECTION:

Except as provided in this section, no state agency or any elected or appointed official or employee of this state may, under any governmental authority, enter into a contract with a bank, as defined in chapter 51A-1, or with a person engaged in money transmission, as defined in chapter 51A-17, for a financial service, unless the contract specifies that the party with whom the state is contracting has no policy, rule, or guidance or other directive requiring that it refuse to provide financial services of any kind, refrain from continuing to provide existing financial services of any kind, terminate existing financial services of any kind with, or otherwise discriminate against:

- (1) A person, engaged in the lawful commerce of firearms or ammunition products, as defined by 18 U.S.C. § 921, as of January 1, 2022, because the person is a manufacturer, distributor, wholesaler, supplier, or retailer of firearms, firearm accessories, or ammunition;
- (2) A person engaged in the operation of a shooting range; or
- (3) A firearm trade association that is exempt from federal income taxation under 26 U.S.C. § 501(a), as an organization described in 26 U.S.C. § 501(c).

Section 2. That chapter 37-20 be amended with a NEW SECTION:

If the attorney general has reason to believe that a bank or a person engaged in money transmission in this state has violated section 1 of this Act, the attorney general must investigate, and upon finding of a probable violation, must:

- (1) Seek a declaratory judgement that the bank or person engaged in money transmission is in violation of section 1 of this Act; and
- (2) Seek to nullify the terms of any contract entered into in violation of section 1 of this Act.

Section 3. That chapter 37-20 be amended with a NEW SECTION:

Upon a judicial determination that a bank or a person engaged in money transmission has violated section 1 of this Act, the bank or person engaged in money transmission is prohibited from contracting with this state until the attorney general verifies that the bank or person is no longer in violation of section 1 of this Act.

The Governor may waive the verification required by this section if notified by either the state treasurer or the Bureau of Finance and Management that the contracting prohibition may prevent an action determined by the Governor to be necessary for the sound fiscal management of this state."

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

MOTION: DEFER HB 1314 UNTIL WEDNESDAY, FEBRUARY 16TH, 2022

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

MOTION: ADJOURN

Moved by: Sue Peterson
Second by: Pischke
Action: Prevailed by voice vote

Gail Tennant, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair