

Committee: House Judiciary

Wednesday, February 16, 2022 3:00 PM

Roll Call

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

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Hansen**

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 16<sup>TH</sup>**

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

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

**MOTION: TO TABLE HB 1314**

Moved by: Hansen  
Second by: Stevens  
Action: Prevailed by Majority Members Elect (11-0-2-0)

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

Excused: Aylward and Pourier

**HB 1233 : establish a hearing requirement for any person convicted of four or more felony offenses prior to parole release.**

Presented by: Representative Chris Karr, District 11 (Handout(s) 1,2)  
Proponents: Yvonne Taylor, South Dakota Police Chiefs Association, Fort Pierre Stephen Gemar, Office of the Attorney General  
Opponents: Doug Clark, Department of Corrections

**MOTION: AMEND HB 1233**

1233B

On page 1, line 1, of the Introduced bill, after "a " insert "parole "  
On page 1, line 1, of the Introduced bill, delete "any person convicted of four or more felony offenses prior to parole release" and insert " certain inmates"  
On page 1, line 5, of the Introduced bill, after "of" delete " four"  
On page 1, line 5, of the Introduced bill, after "four " insert "three "  
On page 1, line 5, of the Introduced bill, after "prior " insert "felony "  
On page 1, line 5, of the Introduced bill, after "offenses" insert " and is subsequently convicted of an offense under § 32-23-4. 6, 32-23-4. 7, or 32-23-4. 9"

Moved by: Stevens  
Second by: Pischke

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1233 AS AMENDED**

Moved by: Pischke

Second by: Soye

Action: Prevailed by Majority Members Elect (11-2-0-0)

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

Voting No: Cwach and Pourier

**HB 1232 : establish mandatory sentences for certain driving while under the influence violations.**

Presented by: Representative Chris Karr, District 11 (Handout(s) 3)

Proponents: Yvonne Taylor, South Dakota Police Chiefs Association, Fort Pierre Grant Flynn, State's Attorney's Association, Pierre Stephen Gemar, Office of the Attorney General

Opponents: Greg Sattizahn, Unified Judicial System Doug Clark, Department of Corrections Terra Larson, SD Association of Criminal Defense Lawyers, Pierre Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls

**MOTION: AMEND HB 1232**

1232A

On page 1, line 21, of the Introduced bill, after "32-23-1" delete " and it is within ten years of a conviction for the person's first violation of § 32-23-1,"

On page 2, line 16, of the Introduced bill, after "32-23-1" delete " and it is within ten years of a conviction for the person's first violation of § 32-23-1,"

On page 2, line 26, of the Introduced bill, after "32-23-1 " delete "and it is within twenty years of a conviction for the person's first violation of § 32-23-1,"

Moved by: Odenbach

Second by: Reimer

Action: Prevailed by voice vote

**MOTION: DEFER HB 1232 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Barthel

Second by: Stevens

Action: Failed by Majority Members Elect (5-8-0-0)

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

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

**MOTION: DO PASS HB 1232 AS AMENDED**

Moved by: Rehfeldt

Second by: Reimer

Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, and Hansen

Voting No: Aylward, Cwach, and Stevens

**HB 1230 : revise the penalty for a violation of maintenance of financial responsibility.**

Presented by: Representative Chris Karr, District 11

Opponents: Jason Ketterling, Department of Public Safety  
Terra Larson, SD Association of Criminal Defense Lawyers, Pierre

**MOTION: AMEND HB 1230**

1230A

On page 1, line 18, of the Introduced bill, after "section" insert " within ten years of a conviction for the person's first violation"

Moved by: Stevens

Second by: Reimer

Action: Failed by roll call vote (6-7-0-0)

Voting Yes: Barthel, Pischke, Rehfeldt, Reimer, Stevens, and Hansen

Voting No: Aylward, Cwach, Odenbach, Sue Peterson, Pourier, Soye, and St. John

**MOTION: DEFER HB 1230 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Odenbach

Second by: Pourier

Action: Prevailed by Majority Members Elect (10-3-0-0)

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

Voting No: Pischke, Stevens, and Hansen

**HB 1231 : revise the penalty for driving without a license.**

Presented by: Representative Chris Karr, District 11

Opponents: Terra Larson, SD Association of Criminal Defense Lawyers, Pierre  
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls  
Jason Ketterling, Department of Public Safety

**MOTION: DEFER HB 1231 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Barthel

Second by: Reimer

Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, and Stevens

Voting No: Soye, St. John, and Hansen

**MOTION: ADJOURN**

Moved by: Pischke

Second by: Odenbach

Action: Prevailed by voice vote

Peggy Laurenz, Committee Secretary

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/s/ JON HANSEN  
Jon Hansen, Chair