

Committee: Senate Judiciary

Thursday, March 03, 2022 7:45 AM

Roll Call

Present: Sen. Diedrich, Sen. Johns, Sen. Stalzer, Sen. Wheeler, Sen. Duhamel, and Sen. Rusch

Excused: Sen. Rohl

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Rusch

MOTION: TO APPROVE THE MINUTES OF TUESDAY, MARCH 01ST

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

HB 1278 : revise the child support obligation schedule.

Presented by: Representative Mike Stevens, District 18
Proponents: Terri Williams, self, Rapid City
Representative Tom Pischke, District 25
Virgena Wieseler, Department of Social Services
Linda Lea M. Viken, self, Rapid City
Terra Larson, SD Association of Criminal Defense Lawyers, Pierre

MOTION: DO PASS HB 1278

Moved by: Johns
Second by: Duhamel
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 HB 1278 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1279 : revise certain provisions relating to child support.

Presented by: Representative Mike Stevens, District 18
Proponents: Terri Williams, self, Rapid City
Representative Tom Pischke, District 25
Virgena Wieseler, Department of Social Services
Linda Lea M. Viken, self, Rapid City
Terra Larson, SD Association of Criminal Defense Lawyers, Pierre

MOTION: AMEND HB 1279

1279A

On page 2, line 27, of the Introduced bill, delete " ten" and insert " six"

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

MOTION: DO PASS HB 1279 AS AMENDED

Moved by: Diedrich
Second by: Duhamel
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 HB 1279 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1287 : revise certain provisions regarding the crime of rape and provide a penalty therefor.

Presented by: Representative Tim Reed, District 7

MOTION: TO TABLE HB 1287

Moved by: Johns
Second by: Stalzer
Action: Prevailed by Majority Members Elect (5-1-1-0)

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

Voting No: Wheeler

Excused: Rohl

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

Presented by: Representative Chris Karr, District 11 (Handout(s) 1)

Proponents: Stephen Gemar, Office of the Attorney General
Grant Flynn, State's Attorney's Association, Pierre

Opponents: Greg Sattizahn, Unified Judicial System
Terry Dosch, South Dakota Council of Community Behavioral Health, Pierre
Doug Clark, Department of Corrections
Terra Larson, SD Association of Criminal Defense Lawyers, Pierre
Jon Bierne, Department of Public Safety
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls

Chairman Rusch advised the latest version of HB 1232 was Amended on the floor as HB 1232B and was the version being addressed today.

MOTION: DEFER HB 1232 TO THE 41ST LEGISLATIVE DAY

Moved by: Johns
 Second by: Wheeler
 Action: Prevailed by Majority Members Elect (5-0-2-0)

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

Excused: Diedrich and Rohl

HB 1233 : establish a parole hearing requirement for certain inmates.

Presented by: Representative Chris Karr, District 11 (Handout(s) 2)
 Proponents: Stephen Gemar, Office of the Attorney General
 Opponents: Doug Clark, Department of Corrections
 Terra Larson, SD Association of Criminal Defense Lawyers, Pierre

MOTION: DEFER HB 1233 TO THE 41ST LEGISLATIVE DAY

Moved by: Johns
 Second by: Wheeler
 Action: Prevailed by Majority Members Elect (5-0-2-0)

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

Excused: Diedrich and Rohl

HB 1328 : require law enforcement to report certain seizures of property.

Presented by: Representative Aaron Aylward, District 6
 Proponents: Kathy Sanchez, Institute for Justice, Arlington, VA
 Lisa Nolen, Americans For Prosperity, Sioux Falls
 Terra Larson, SD Association of Criminal Defense Lawyers, Pierre

MOTION: AMEND HB 1328

1328B

On page 1, line 7, of the House Judiciary Engrossed bill, after "general." delete " A law enforcement agency shall make a null report if it did not engage in seizures or forfeitures under this chapter during the fiscal year."

On page 1, line 21, of the House Judiciary Engrossed bill, after "interstate" delete " or state highway"

On page 3, line 2, of the House Judiciary Engrossed bill, after "1-27." delete "Section 4. That chapter 23A-49 be amended with a NEW SECTION:

"

On page 3, line 3, of the House Judiciary Engrossed bill, after "SECTION:" delete "If a law enforcement agency fails to file information within thirty days after the due date specified by the attorney general and there is no good cause as determined by the attorney general, the attorney general shall impose on the agency a civil fine payable to the general fund of five hundred dollars or the equivalent of one-quarter of the forfeiture proceeds received by the agency, whichever is greater."

On page 3, line 8, of the House Judiciary Engrossed bill, after "greater." delete "Section 5. That chapter 23A-49 be amended with a NEW SECTION:

"

On page 3, line 9, of the House Judiciary Engrossed bill, after "SECTION:" delete "At the request of an elected official of the jurisdiction whose law enforcement agency seized or obtained forfeiture of the property, the state auditor shall perform an audit under generally accepted government auditing standards of records submitted to the attorney general related to inventory of seized property. A copy of the final audit report must be submitted to the attorney general no later than ninety days after the end of the fiscal year and made public."

On page 3, line 16, of the House Judiciary Engrossed bill, after "may" delete " recoup its costs under this Act by charging a fee to the law enforcement agency filing a report. The fee must be deposited in the general fund.

The law enforcement agency may"

On page 3, line 19, of the House Judiciary Engrossed bill, after "Act" delete ", and to pay any fees imposed by the attorney general under this Act"

On page 3, line 24, of the House Judiciary Engrossed bill, after "establishing:

(1)" delete "The fee for law enforcement agencies filing a report with the attorney general, not to exceed thirty dollars;

(2) "

On page 3, line 27, of the House Judiciary Engrossed bill, delete "(3)" and insert "(2)"

On page 3, line 28, of the House Judiciary Engrossed bill, delete "(4)" and insert "(3)"

On page 4, line 1, of the House Judiciary Engrossed bill, delete "(5)" and insert "(4)"

Moved by: Rusch

Second by: Duhamel

Action: Prevailed by voice vote

MOTION: AMEND HB 1328

1328C

On the previously adopted amendment (1328B), On page 2, line 25, after "website" delete " and submit"

On the previously adopted amendment (1328B), On page 2, line 25, after "report" delete " to the speaker of the House of Representatives, president pro tempore of the Senate, and Governor,"

Moved by: Johns

Second by: Wheeler

Action: Prevailed by voice vote

MOTION: DO PASS HB 1328 AS AMENDED

Moved by: Johns

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 HB 1328 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

KURT D. HALL , TO THE SOUTH DAKOTA BOARD OF PARDONS AND PAROLE

Presented by: Tim Bormann, Office of the Attorney General

Proponents: Richard Tieszen, South Dakota Sheriffs Association, Pierre

Others: Kurt Hall, Faulk County Sheriff, self, Faulkon

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF KURT D. HALL, TO THE SOUTH DAKOTA BOARD OF PARDONS AND PAROLE

Moved by: Wheeler

Second by: Duhamel

Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Rohl

MOTION: ADJOURN

Moved by: Johns

Second by: Duhamel

Action: Prevailed by voice vote

Lorna Shell, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair