

Committee: House Judiciary

Monday, February 28, 2022 10:00 AM

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 FRIDAY, FEBRUARY 25TH

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

SB 77 : enhance the penalty on registered sex offenders who commit sexual contact without consent from a person capable of consenting.

Presented by: Representative Tim Reed, District 7
Proponents: Paul Bachand, South Dakota States Attorneys Association, Pierre
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS SB 77

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

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

Excused: Pourier and Reimer

SB 81 : revise the definition of sexual contact.

Presented by: Representative Tim Reed, District 7
Proponents: Carrie Sanderson, Center for the Prevention of Child Maltreatment, Sioux Falls
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Jodi Kost, self, Rapid City
Jodi Glasgow, Criminal Investigation Division, Rapid City Sheriff's Office
Maria Bunkers, Self, Rapid City
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DEFER SB 81 UNTIL WEDNESDAY, MARCH 02ND, 2022

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

SB 119 : prohibit sexual contact between prison employees and prisoners.

Presented by: Senator David Wheeler, District 22

MOTION: DO PASS SB 119

Moved by: Rehfeldt
Second by: Pischke
Action: Prevailed by Majority Members Elect (11-0-2-0)

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

Excused: Pourier and St. John

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 119 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

THE CHAIR DEFERRED SB 151 UNTIL WEDNESDAY, MARCH 02ND 2022

SB 164 : clarify the requirements for the execution of a living will declaration.

Presented by: Senator Michael Diedrich, District 34
Proponents: Jacob Parsons, South Dakota Association of Healthcare Organizations, Sioux Falls

MOTION: DO PASS SB 164

Moved by: Cwach
Second by: Rehfeldt
Action: Failed by Majority Members Elect (4-8-1-0)

Voting Yes: Barthel, Cwach, Rehfeldt, and Stevens

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

Excused: Pourier

MOTION: DEFER SB 164 TO THE 41ST LEGISLATIVE DAY

Moved by: Sue Peterson
Second by: Odenbach
Action: Prevailed by Majority Members Elect (8-4-1-0)

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

Voting No: Barthel, Cwach, Rehfeldt, and Stevens

Excused: Pourier

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

MOTION: DO PASS SB 199

Moved by: Sue Peterson

Second by: Odenbach

Action: Prevailed by Majority Members Elect (12-0-1-0)

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

Excused: Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 199 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Pischke

Second by: Odenbach

Action: Prevailed by voice vote

Gail Tennant, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair