

Committee: Senate Judiciary

Thursday, January 19, 2023 7:45 AM

Roll Call

Present: Sen. Diedrich, Sen. Brent "B.R." Hoffman, Sen. Mehlhaff, Sen. Rohl,  
Sen. Wheeler, Sen. Stalzer, and Sen. Duhamel

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Duhamel**

**MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 17<sup>TH</sup>**

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

**PATRICIA A. MEYERS OF RAPID CITY, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES**

Presented by: Greg Sattizahn, State Court Administrator, Pierre

**MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF PATRICIA A. MEYERS OF RAPID CITY, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES**

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

Voting Yes: Diedrich, Brent "B.R." Hoffman, Mehlhaff, Wheeler, Stalzer, and Duhamel

Excused: Rohl

Marty Jackley, South Dakota Attorney General, Pierre

**SB 46 : establish the crime of petition circulation perjury and provide a penalty therefor.**

Presented by: Marty Jackley, South Dakota Attorney General, Pierre

**MOTION: AMEND SB 46**

46C

On page 1, line 1, of the Introduced bill, delete "establish the crime of" and insert "enhance the penalty for"

On page 1, line 1, of the Introduced bill, after "perjury" delete " and provide a penalty therefor"

On page 1, line 20, of the Introduced bill, delete " petition circulation perjury pursuant to section 2 of this Act" and insert " a Class 6 felony"

On page 1, after line 22, of the Introduced bill, insert: "

**Section 2. That § 12-6-8 be AMENDED:**

**12-6-8.** No person may sign the nominating petition of a candidate before January first in the year in which the election is to be held, nor for whom the person is not entitled to vote, nor for a political candidate of a party of which the person is not a member, nor for more than the number of candidates required to be nominated for the same office. The signer or circulator shall add the signer's place of residence and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by the candidate before the circulation of petitions. The signed declaration of the candidate shall accompany and be a part of the petition. An original signed declaration shall accompany the group of petitions upon filing.

The petition shall be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. Any person circulating a petition who falsely attests to the verification is guilty of a Class 6 felony.

A nominating petition for any election shall be a self-contained sheet of paper in order to have the candidate's name placed on the ballot. The provisions of this section may not prohibit a person registered with party affiliation from signing either a petition nominating an independent or a nonpolitical candidate for office if the person has not previously signed a petition for that office to be filled."

On page 1, line 23, of the Introduced bill, after "misdemeanor." delete "Section 2. That chapter 22-29 be amended with a NEW SECTION:

"

On page 1, line 24, of the Introduced bill, after "SECTION:" delete "Any person who, having taken an oath attesting to having personally circulated any petition to initiate an amendment to the Constitution, initiated measure, referred law, or to nominate any candidate for any political office, states, intentionally or contrary to the oath, any material matter that the person knows to be false, is guilty of perjury pursuant to subdivision 22-29-5(3)."

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

**MOTION: DO PASS SB 46 AS AMENDED**

Moved by: Wheeler  
Second by: Mehlhaff  
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Diedrich, Brent "B.R." Hoffman, Mehlhaff, Wheeler, Stalzer, and Duhamel

Excused: Rohl

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 46 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 47 : revise exceptions to the imposition of a Class 2 misdemeanor when no other penalty is provided by statute.**

Presented by: Marty Jackley, South Dakota Attorney General, Pierre  
Proponents: T.J. Nelson, Opportunity Solutions Project, Tallahassee, FL  
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

**MOTION: DO PASS SB 47**

Moved by: Brent "B.R." Hoffman  
Second by: Mehlhaff  
Action: Prevailed by Majority Members Elect (5-2-0-0)

Voting Yes: Diedrich, Brent "B.R." Hoffman, Mehlhaff, Stalzer, and Duhamel

Voting No: Rohl and Wheeler

**SB 48 : enhance the penalty for attempted first degree murder of a law enforcement officer.**

Presented by: Marty Jackley, South Dakota Attorney General, Pierre  
Proponents: Justin Meyer, South Dakota Police Chiefs Association, Madison  
Staci Ackerman, South Dakota Sheriffs' Association, Eureka  
Jenna R. Sevreyne, South Dakota Police Chiefs Association, Fort Pierre  
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

**THE CHAIR DEFERRED SB 48 UNTIL TUESDAY, JANUARY 24<sup>TH</sup> 2023**

**SB 50 : revise the crime of witness tampering.**

Presented by: Marty Jackley, South Dakota Attorney General, Pierre  
Proponents: Justin Meyer, South Dakota Police Chiefs Association, Madison  
Jenna R. Sevreyne, South Dakota Police Chiefs Association, Fort Pierre  
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

**MOTION: AMEND SB 50**

50A

On page 1, line 6, of the Introduced bill, after "who " insert "corruptly "  
On page 1, line 7, of the Introduced bill, after "or " insert "corruptly "  
On page 1, line 17, of the Introduced bill, after "felony." insert "  
For the purposes of this section, the term, corruptly, means wrongful or immoral and done with an intent to impede the administration of justice."

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

**THE CHAIR DEFERRED SB 50 UNTIL TUESDAY JANUARY 24<sup>TH</sup>, 2023**

Justin Meyer, South Dakota Police Chiefs Association, Madison;  
Don Hedrick, Chief of Police, Rapid City;  
Nick Cook, Assistant Chief of Police, Sioux Falls

**MOTION: ADJOURN**

Moved by: Wheeler  
Second by: Stalzer

Action:       Prevailed by voice vote

Doug Mortenson, Committee Secretary

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/s/ HELENE DUHAMEL  
Helene Duhamel, Chair