

Committee: Senate Judiciary

Tuesday, January 24, 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 THURSDAY, JANUARY 19TH

Moved by: Wheeler
Second by: Brent "B.R." Hoffman
Action: Prevailed by voice vote

SB 51 : revise certain provisions regarding the reimbursement of county expenses in detaining parole violators.

Presented by: Kellie Wasko, Department of Corrections
Brittini Skipper, Department of Corrections
Proponents: Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Craig Matson, South Dakota Association of County Commissioners, Pierre

MOTION: DO PASS SB 51

Moved by: Diedrich
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 51 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

SB 64 : repeal provisions related to the jail mental health screening pilot program and oversight council.

Presented by: Senator Helene Duhamel
Proponents: Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Greg Sattizahn, State Court Administrator, Pierre
Brian Mueller, Pennington County Sheriff, Rapid City

MOTION: AMEND SB 64

64A

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 16-22-24 be
AMENDED:

"

On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "16-22-24. Treatment and intervention programs, as used in this section, mean substance abuse, mental health, or cognitive based treatment received by probationers or parolees.

All treatment and intervention programs for parolees and probationers shall be intended to reduce recidivism as demonstrated by research or documented evidence.

Payment for substance abuse or mental health treatment services may be made only if the services are recommended through an assessment conducted by a provider accredited by the Department of Social Services. Payment for cognitive based treatment services may be made only if the services are recommended through a risk and needs assessment tool used by the Department of Corrections or the Unified Judicial System.

The Department of Social Services shall collect data related to the participation, completion and treatment outcomes of all probationers and parolees receiving treatment services paid for by the Department of Social Services. The Department of Social Services shall report this information semiannually to the oversight council.

The Department of Corrections shall collect data on the recidivism outcomes of parolees receiving treatment and interventions. The Department of Corrections shall report this information semiannually to the oversight council.

The Unified Judicial System shall collect data on the recidivism outcomes of probationers receiving treatment and interventions, the number and the percentage of probationers referred for mental health assessment, the number and the percentage of probationers referred for mental health treatment, and the annual cost of probationer mental health assessments and treatment both in total and separated by funding source. The Unified Judicial System shall report this information semiannually to the oversight body established pursuant to § 16-22-21."

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

MOTION: DO PASS SB 64 AS AMENDED

Moved by: Duhamel
 Second by: Mehlhaff
 Action: Prevailed by Majority Members Elect (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 64 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 7 : clarify emergency commitments of severely mentally ill persons by appropriate regional facilities.

Presented by: Tiffany Wolfgang, Department of Social Services, Pierre
 Proponents: Terrance Lee Dosch, South Dakota Council of Community Behavioral Health, Pierre
 Stephanie Rissler, South Dakota Association of Healthcare Organizations, Sioux Falls

MOTION: DO PASS SB 7

Moved by: Brent "B.R." Hoffman
 Second by: Mehlhaff
 Action: Prevailed by Majority Members Elect (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 7 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 28 : revise and repeal obsolete provisions related to the Department of Social Services.

Presented by: Jeremy Lippert, South Dakota Department of Social Services, Pierre

MOTION: DO PASS SB 28

Moved by: Wheeler
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 28 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

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

MOTION: DO PASS SB 48

Moved by: Wheeler
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 48 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 50 : revise the crime of witness tampering.

MOTION: DO PASS SB 50 AS AMENDED

Moved by: Wheeler
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 50 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair