

Committee: Senate Judiciary

Thursday, January 26, 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 24TH

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

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF KELLIE WASKO OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF CORRECTIONS

Moved by: Mehlhaff
Second by: Brent "B.R." Hoffman
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 THE APPOINTMENT OF KELLIE WASKO OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF CORRECTIONS AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 74 : provide for the establishment of regional jail authorities.

Presented by: Senator Jim Stalzer
Proponents: Tobin J. Morris, Colliers Securities, Pierre
Eric Erickson, South Dakota Association of County Officials, Pierre
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Julie M. Johnson, Brown County, Aberdeen
Opponents: Kirsten Jasper, Department of Revenue
Matthew M. Bogue, South Dakota Farm Bureau Federation, Huron
Others: Wendy Semmler, Department of Revenue

MOTION: AMEND SB 74

74A

On page 5, line 12, of the Introduced bill, after "condemnation." insert "

The sheriff of the county in which a jail is established or operated by a regional jail authority shall have charge of the jail.

"

On page 9, after line 2, of the Introduced bill, insert: "

Section 30. That § 24-11-13 be AMENDED:

24-11-13. The sheriff or other officer designated by law or ordinance shall have charge of the jail-~~of~~ located in his county or municipality and of all persons by law confined therein.

The officer in charge of any jail shall conform in all respects to the policies and procedures required by § 24-11-23."

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

MOTION: DO PASS SB 74 AS AMENDED

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

Voting Yes: Diedrich, Mehlhaff, Rohl, Wheeler, Stalzer, and Duhamel

Voting No: Brent "B.R." Hoffman

SB 70 : revise provisions related to courtroom modifications for child witnesses.

Presented by: Senator Tim Reed
Proponents: Tifanie Petro, Children's Home Child Advocacy Center, Rapid City
Carrie Sanderson, Center for the Prevention of Child Maltreatment, Sioux Falls
Lara Roetzel, Self, Rapid City
Lisa Gennaro, Concerned Woman For America, Alexandria, VA
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre
Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Pierre

MOTION: AMEND SB 70

70A

On page 2, line 21, of the Introduced bill, after "child;" insert " or"

On page 2, line 23, of the Introduced bill, delete "; or

(6) If the defendant has chosen to proceed pro se, to have the court appoint standby counsel for the defendant for the sole purpose of questioning the child on behalf of the defendant if the court finds that there is a substantial likelihood that the child will suffer substantial emotional distress that will impair the ability of the child to communicate if the defendant questions the child directly." and insert a period

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

MOTION: DO PASS SB 70 AS AMENDED

Moved by: Mehlhaff
Second by: Stalzer

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

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

Excused: Diedrich

SB 72 : revise provisions related to the discharge of a defendant restored to competency.

Presented by: Senator David Wheeler

Proponents: Jeremy Johnson, Department of Social Services

MOTION: DO PASS SB 72

Moved by: Mehlhaff

Second by: Wheeler

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

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

Excused: Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 72 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 75 : revise provisions related to parental support for expenses related to pregnancy and childbirth.

Presented by: Senator David Wheeler

Proponents: Katie Hruska, Governor's Office

Ellie J. Bailey, South Dakota Section of the American College of Obstetricians and Gynecologists, Rapid City

Deb Fischer-Clemens, Avera Health, Sioux Falls

Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls

Dale Allen Bartscher, South Dakota Right to Life, Rapid City

Norman Woods, Family Heritage Alliance Action, Rapid City

MOTION: DO PASS SB 75

Moved by: Brent "B.R." Hoffman

Second by: Mehlhaff

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

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

Excused: Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 75 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 4 : modify a court's authority to commit a habitual juvenile offender to the Department of Corrections.

Presented by: Senator Erin Tobin

Proponents: Greg Sattizahn, Unified Judicial System
Wade Pogany, Associated School Boards of South Dakota, Pierre
Rob L. Monson, School Administrators of South Dakota, Pierre
Dianna Miller, Large School Group (Aberdeen), Aberdeen
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre
Amy Bartling, Gregory County States Attorneys Office, Gregory

MOTION: AMEND SB 4

4A

On page 2, line 25, of the Introduced bill, delete " six" and insert " twelve"

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

MOTION: DEFER SB 4 UNTIL THURSDAY, FEBRUARY 02ND, 2023

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

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair