

Committee: House Judiciary

Wednesday, January 25, 2023 10:00 AM

Roll Call

Present: Rep. Fitzgerald, Rep. Kull, Rep. Massie, Rep. Odenbach, Rep. Pourier, Rep. Reimer, Rep. Reisch, Rep. Soye, Rep. St. John, Rep. Teunissen, Rep. Tordsen, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Hansen**

**MOTION: TO APPROVE THE MINUTES OF FRIDAY, JANUARY 20<sup>TH</sup>**

Moved by: Stevens  
Second by: Pourier  
Action: Prevailed by voice vote

**HB 1097 : revise the definition of an abused or neglected child.**

Presented by: Representative Fred Deutsch

**MOTION: TO TABLE HB 1097**

Moved by: Stevens  
Second by: Odenbach  
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Fitzgerald, Kull, Massie, Odenbach, Pourier, Reimer, Reisch, Soye, St. John, Teunissen, Tordsen, Stevens, and Hansen

**HB 1077 : prohibit eligibility for a suspended imposition of sentence for certain rape offenses.**

Presented by: Representative Mary J. Fitzgerald

Proponents: Tifanie Petro, Children's Home Child Advocacy Center, Rapid City  
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre  
Robert Brancato, self  
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls  
Charles McGuigan, Attorney General  
Kelly Patterson, Treasured Lives, Rapid City

Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City  
Steve Siegel, South Dakota Trial Lawyers Association, Pierre

**MOTION: DEFER HB 1077 UNTIL WEDNESDAY, FEBRUARY 01<sup>ST</sup>, 2023**

Moved by: Stevens  
Second by: Reimer  
Action: Prevailed by voice vote

**HB 1041 : provide an exception to the definition of drug paraphernalia.**

Presented by: Representative Taylor Rehfeldt

Proponents: Dr. Melissa Dittberner, self

Justin Bell, South Dakota State Medical Association, Sioux Falls (Handout(s)  
1)

Edward Krumpotich, National Harm Reduction Coalition

Angela Kennecke, Emily's Hope, Sioux Falls

Tiffany Thaelke, self

**MOTION: DO PASS HB 1041**

Moved by: Tordsen

Second by: Kull

Action: Prevailed by Majority Members Elect (11-2-0-0)

Voting Yes: Kull, Massie, Odenbach, Pourier, Reimer, Reisch, St. John, Teunissen,  
Tordsen, Stevens, and Hansen

Voting No: Fitzgerald and Soye

**MOTION: ADJOURN**

Moved by: Odenbach

Second by: Reimer

Action: Prevailed by voice vote

Janelle Toman, Committee Secretary

\_\_\_\_\_  
/s/ JON HANSEN  
Jon Hansen, Chair