

Committee: Senate Judiciary

Thursday, February 02, 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 31ST

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

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

Presented by: Senator Erin Tobin
Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS SB 4 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

SB 176 : modify certain requirements for removal from the sex offender registry.

Presented by: Senator Joshua Klumb
Proponents: Angel Runnels, Self, Sioux Falls
Steve Siegel, South Dakota Trial Lawyers Association, Pierre
Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS SB 176

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 176 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 5 : extend the termination date of the Juvenile Justice Oversight Council and modify its membership requirements.

Presented by: Senator David Wheeler

Proponents: Greg Sattizahn, Unified Judicial System
Brittini Skipper, Department of Corrections

MOTION: AMEND SB 5

5A

- On page 1, line 5, of the Introduced bill, after "26-8D-9. " delete "The oversight council shall meet within ninety days following appointment and shall meet semiannually thereafter. "
- On page 1, line 8, of the Introduced bill, after "time. " insert "The oversight council shall meet semi-annually or at the call of its chair or at the request of a majority of its members. "
- On page 1, line 9, of the Introduced bill, delete " recommendations of the juvenile justice reinvestment initiative work group in the final report dated November 2014, track implementation, and evaluate compliance with this chapter" and insert " juvenile justice system for changes that improve public safety, reduce recidivism, hold youth accountable, provide better outcomes for children and families, and control juvenile justice costs"
- On page 1, line 14, of the Introduced bill, after "Services" insert ", and recommend any additional measures needed to identify outcomes in the juvenile justice system"
- On page 1, line 20, of the Introduced bill, after "measures" insert ", and statewide availability of evidence-based programs and practices involving cognitive behavioral health and family therapy programs for justice-involved youth"
- On page 1, line 20, of the Introduced bill, after "measures;" insert "
(5) Assess implementation and infrastructure to support the sustainability and fidelity of evidence-based juvenile justice programs, including resources for staffing;"
- On page 1, line 21, of the Introduced bill, delete "(5)" and insert "(6)"
- On page 1, line 22, of the Introduced bill, after "system" delete " in accordance with §§ 26-8D-5 and 26-8D-6"
- On page 1, line 24, of the Introduced bill, delete "(6)" and insert "(7)"
- On page 1, line 25, of the Introduced bill, after "§ 26-8D-2, " delete "payments from the juvenile justice detention cost-sharing fund pursuant to § 26-8D-24, "
- On page 2, line 2, of the Introduced bill, delete " and" and insert "
(8) Review training related to juvenile justice for educators, law enforcement, probation, attorneys, corrections, program providers, and judges;
(9) Review proven truancy and diversion models and best practices and make recommendations for statewide implementation; and"
- On page 2, line 3, of the Introduced bill, delete "(7)" and insert "(10)"
- On page 2, line 4, of the Introduced bill, after "chapter " insert "and any recommendations for improvements related to juvenile justice "
- On page 2, line 5, of the Introduced bill, after "Justice." delete " The report shall include any recommendations for improvement related to chapter 152 of the 2015 Session Laws."
- On page 2, line 8, of the Introduced bill, after "26-8D-8. " insert "The Juvenile Justice Oversight Council is created for the purpose of providing an independent review of the state juvenile justice system and providing recommendations to the Legislature, Governor, and Chief Justice. "
- On page 2, line 8, of the Introduced bill, delete "twenty " and insert "nineteen "
- On page 2, line 10, of the Introduced bill, delete "seven " and insert "six "
- On page 2, line 13, of the Introduced bill, delete "(c) A representative who is a state's attorney; (d)" and insert "(c)"
- On page 2, line 15, of the Introduced bill, delete "(e)" and insert "(d)"
- On page 2, line 15, of the Introduced bill, after "Relations;" insert "
(e) A member of law enforcement; and
(f) One at-large member;"

On page 2, line 16, of the Introduced bill, after "Relations;" delete "(f) Two at large membersA representative from an urban South Dakota school district located in a municipality with a population greater than twenty thousand;

(g) A representative from a rural South Dakota school district located in a municipality with a population less than twenty thousand;

"

On page 2, line 22, of the Introduced bill, delete "representative who is a criminal " and insert "juvenile justice "

On page 2, line 23, of the Introduced bill, delete "A representative who is a judge; and" and insert "Two circuit court judges;"

On page 2, line 24, of the Introduced bill, delete "Four at large members" and insert "A juvenile court services officer"

On page 2, line 24, of the Introduced bill, after "members;" insert "

(d) A representative from the State Court Administrator's Office; and

(e) One at-large member;"

On page 2, line 25, of the Introduced bill, delete "majority leader" and insert "president pro-tempore"

On page 2, line 25, of the Introduced bill, delete "three " and insert "two "

On page 2, line 26, of the Introduced bill, delete "Two legislative members of the Senate, one from each political party" and insert "A member of the Senate Judiciary Committee"

On page 2, line 27, of the Introduced bill, delete "One at large member" and insert "A member of the Senate that is from a different political party than the other member appointed"

On page 2, line 28, of the Introduced bill, delete "majority leader" and insert "speaker"

On page 2, line 29, of the Introduced bill, delete "three " and insert "two "

On page 2, line 30, of the Introduced bill, delete "Two legislative members of the House of Representatives, one from each political party" and insert "A member of the House Judiciary Committee"

On page 2, line 32, of the Introduced bill, delete "One member who is a county commissioner" and insert "A member of the House of Representatives that is from a different political party than the other appointed member"

On page 2, line 32, of the Introduced bill, delete " and" and insert "

(5) The South Dakota Superintendent's Association shall appoint one representative from a large school district and one representative from a small school district; and"

On page 2, line 33, of the Introduced bill, delete "(5)" and insert "(6)"

On page 2, line 33, of the Introduced bill, delete " member" and insert " state's attorney"

On page 3, line 1, of the Introduced bill, after "chair" insert " every two years. Appointed members shall serve two-year terms and may be reappointed"

Moved by: Rohl

Second by: Diedrich

Action: Prevailed by voice vote

MOTION: DO PASS SB 5 AS AMENDED

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 5 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 98 : identify the means of conducting a criminal background check for the renewal of a gold card or an enhanced permit to carry a concealed pistol.

Presented by: Senator Jim Stalzer

MOTION: DO PASS SB 98

Moved by: Rohl
Second by: Wheeler
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 98 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 165 : expand initial training given to law enforcement officers to include Indian law, racial bias, and implicit bias.

Presented by: Senator Shawn Bordeaux
Proponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City
Opponents: Charles McGuigan, Attorney General
Grace Beck, South Dakota Board of Technical Education, Pierre

MOTION: DEFER SB 165 TO THE 41ST LEGISLATIVE DAY

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

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

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair