

Committee: Senate Judiciary

Thursday, February 09, 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, FEBRUARY 07<sup>TH</sup>**

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

**JAN STEELE OF DEUEL COUNTY, GARY, SOUTH DAKOTA, TO THE BOARD OF  
PARDONS AND PAROLES**

**THE CHAIR DEFERRED UNTIL TUESDAY, FEBRUARY 14TH, 2023 AT 7:45 AM ROOM  
413**

**SB 49 : prohibit the improper storage and disposal of records containing  
personal or protected information and provide a penalty therefor.**

Presented by: Charles McGuigan, Attorney General

**MOTION: TO TABLE SB 49**

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

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

Excused: Rohl

**SB 180 : address requirements for the execution of a living will.**

Presented by: Senator Michael Diedrich  
Proponents: Tim Dougherty, Avera Health, Sioux Falls  
Erik Nelson, AARP South Dakota, Sioux Falls

**MOTION: DO PASS SB 180**

Moved by: Mehlhaff  
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

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 180 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 137 : provide for the consideration of a child's wishes in awarding custody.**

Presented by: Senator Tom Pischke

Proponents: Judd Schomp, Self, Martin

Matt Doyle, Self, Coleman

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

Steve Siegel, South Dakota Trial Lawyers Association, Pierre

Linda Lea Viken, Self, Rapid City

**MOTION: DEFER SB 137 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Diedrich

Second by: Wheeler

Action: Prevailed by Majority Members Elect (5-2-0-0)

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

Voting No: Brent "B.R." Hoffman and Rohl

**SB 136 : provide a rebuttable presumption in favor of joint physical custody of a minor child.**

Presented by: Senator Tom Pischke

Proponents: Judd Schomp, Self, Martin

Matt Doyle, Self, Coleman

William Linsenmeyer, Self, Sioux Falls

Mark Ludwig, Americans for Equal Shared Parenting, Self, St Louis, MO

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

Steve Siegel, South Dakota Trial Lawyers Association, Pierre

**MOTION: DEFER SB 136 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Mehlhaff

Second by: Diedrich

Action: Prevailed by Majority Members Elect (4-3-0-0)

Voting Yes: Diedrich, Mehlhaff, Stalzer, and Duhamel

Voting No: Brent "B.R." Hoffman, Rohl, and Wheeler

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

Presented by: Senator Reynold F. Nesiba

Representative Taylor Rehfeldt

Proponents: Justin Bell, South Dakota State Medical Association, Sioux Falls

Charles McGuigan, Attorney General

Beth Dokken, Department of Health

Amy Iversen, South Dakota Council of Community Behavioral Health, Pierre

Dr. Melissa Dittberner, Self, Volin

Angela Kennecke, Emily's Hope, Sioux Falls  
Edward Krumpotich, National Harm Reduction Coalition  
Tiffany Sarah Thaelke, Self, Sioux Falls

**MOTION: DO PASS HB 1041**

Moved by: Stalzer  
Second by: Rohl  
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 HB 1041 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 103 : create a pilot program in the Unified Judicial System for risk and lethality assessments for certain persons accused of assault or protection order violations.**

Presented by: Senator Lee Schoenbeck  
Proponents: Greg Sattizahn, Unified Judicial System  
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls

**MOTION: DO PASS SB 103**

Moved by: Brent "B.R." Hoffman  
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 103 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

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

Doug Mortenson, Committee Secretary

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/s/ HELENE DUHAMEL  
Helene Duhamel, Chair