

Committee: Senate Judiciary

Tuesday, February 14, 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, FEBRUARY 09<sup>TH</sup>**

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

**SB 94 : establish the crime of grooming and provide a penalty therefor.**

Presented by: Senator Tim Reed

**MOTION: TO TABLE SB 94**

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

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

Excused: Stalzer

**SB 134 : increase law enforcement membership on the Medical Marijuana Oversight Committee.**

Presented by: Senator Helene Duhamel

Proponents: Charles McGuigan, Attorney General  
Wade Pogany, Associated School Boards of South Dakota, Pierre  
Jeremiah M. Murphy, Cannabis Industry Association of SD, Sioux Falls  
Jenna R Severyn, South Dakota Police Chiefs Association, Fort Pierre  
BJ George, Special Agent DCI  
Tony Harrison, Self, Rapid City  
Scott Sitzes, Pennington County Sheriffs Office, Rapid City

**MOTION: AMEND SB 134**

134D

On page 1, line 1, of the Introduced bill, delete "increase law enforcement membership on" and insert "revise membership of"

On page 1, line 8, of the Introduced bill, after "General, " delete "two representatives of law enforcement, "

On page 1, line 9, of the Introduced bill, delete "Unified Narcotics Enforcement Team agent" and insert " member with drug investigation experience"

Moved by: Wheeler

Second by: Rohl  
Action: Prevailed by voice vote

**MOTION: AMEND THE PENDING AMENDMENT**

134E

On the previously adopted amendment (134D), On page 1, line 10, after "officer," insert " one representative from a parent advocacy organization,"

Moved by: Mehlhaff  
Second by: Brent "B.R." Hoffman  
Action: Failed by Majority Members Present (3-3-1-0)

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

Voting No: Diedrich, Rohl, and Wheeler

Excused: Stalzer

**MOTION: DO PASS SB 134 AS AMENDED**

Moved by: Rohl  
Second by: Brent "B.R." Hoffman  
Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Stalzer

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 134 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 181 : authorize the provision of medical records and the imposition of related fees.**

Presented by: Senator Michael Diedrich  
Proponents: Tim Dougherty, Avera Health, Sioux Falls  
Jacob Parsons, South Dakota Association of Healthcare Organizations, Sioux Falls  
Paul H. Knecht, South Dakota Dental Association, Pierre  
Steve Siegel, South Dakota Trial Lawyers Association, Pierre  
Jeremiah M. Murphy, Monument Health, Rapid City

**MOTION: DO PASS SB 181**

Moved by: Wheeler  
Second by: Stalzer  
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 206 : clarify good cause for the purpose of continuing an involuntary commitment hearing.**

Presented by: Senator Michael Diedrich

Proponents: Jason E. Green, Monument Health, Rapid City  
Jacob Parsons, South Dakota Association of Healthcare Organizations, Sioux Falls

**MOTION: AMEND SB 206**

206A

On page 2, line 15, of the Introduced bill, after "this" insert " section"

Moved by: Rohl

Second by: Stalzer

Action: Prevailed by voice vote

**MOTION: DO PASS SB 206 AS AMENDED**

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

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 206 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 192 : provide liability for the publishing or distributing of material harmful to minors on the internet and the wrongful retention of individually identifiable information.**

Presented by: Senator Jessica Castleberry (Handout(s) HO#1)

Proponents: Lisa Gennaro, Concerned Woman For America, Alexandria, VA

Opponents: Justin G. Smith, South Dakota Newspaper Association, Brookings  
Ellie J. Bailey, South Dakota Telecommunications Association, Pierre

**MOTION: DEFER SB 192 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Wheeler

Second by: Rohl

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

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

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

**MOTION: ADJOURN**

Moved by: Stalzer

Second by: Rohl

Action:       Prevailed by voice vote

Doug Mortenson, Committee Secretary

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/s/ HELENE DUHAMEL  
Helene Duhamel, Chair