

Committee: House Judiciary

Wednesday, February 22, 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 WEDNESDAY, FEBRUARY 15TH

Moved by: Soye
Second by: Reisch
Action: Prevailed by voice vote

SB 146 : limit parole for violent offenders.

Presented by: Representative Sue Peterson

Proponents: Senator Brent Hoffman (Handout(s) 1)
Marty Jackley, South Dakota Attorney General, Pierre
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna Severyn, South Dakota Police Chiefs Association, Pierre
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre
Alan Dale, Sheriff, Corson County, McIntosh

Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
Steve Siegel, South Dakota Trial Lawyers Association, Pierre
Samantha Chapman, American Civil Liberties Union Foundation Inc, NY

MOTION: AMEND SB 146

146B

On page 2, line 1, of the Introduced bill, after "time" insert " and has the authority to revoke the suspended portion of the sentence for failing to follow the conditions of release"

On page 2, line 25, of the Introduced bill, after "time" insert " and has the authority to revoke the suspended portion of the sentence for failing to follow the conditions of release"

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

MOTION: AMEND SB 146

146C

On the previously adopted amendment (146B), On page 1, line 22, after "section, " insert "for a crime committed "

On the previously adopted amendment (146B), On page 2, line 20, after "section, " insert "for a crime committed "

Moved by: Soye
Second by: Odenbach
Action: Prevailed by voice vote

MOTION: DO PASS SB 146 AS AMENDED

Moved by: Fitzgerald
Second by: Odenbach
Action: Prevailed by Majority Members Elect (7-6-0-0)

Voting Yes: Fitzgerald, Kull, Odenbach, Reimer, Soye, Tordsen, and Hansen

Voting No: Massie, Pourier, Reisch, St. John, Teunissen, and Stevens

SB 46 : enhance the penalty for petition circulation perjury.

Presented by: Marty Jackley, South Dakota Attorney General, Pierre
Proponents: Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

MOTION: DO PASS SB 46

Moved by: Stevens
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (12-1-0-0)

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

Voting No: Pourier

SB 48 : enhance the penalty for attempted first degree murder of a law enforcement officer.

Presented by: Marty Jackley, South Dakota Attorney General, Pierre
Proponents: Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna Severyn, South Dakota Police Chiefs Association, Pierre
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

MOTION: DO PASS SB 48

Moved by: Kull
Second by: Pourier
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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 48 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 50 : revise the crime of witness tampering.

Presented by: Marty Jackley, South Dakota Attorney General, Pierre
Proponents: Grant M. Flynn, South Dakota State's Attorneys Association, Pierre

MOTION: DO PASS SB 50

Moved by: Pourier
Second by: Tordsen
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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 50 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 52 : update certain provisions regarding the Department of Corrections and the authority of the Secretary of Corrections.

Presented by: Doug Clark, Department of Corrections

MOTION: DO PASS SB 52

Moved by: Reisch
Second by: Fitzgerald
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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 52 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Janelle Toman, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair