

Committee: House Judiciary

Wednesday, March 01, 2023 10:00 AM

Roll Call

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

Excused: Rep. St. John and Rep. Tordsen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 27TH

Moved by: Kull

Second by: Teunissen

Action: Prevailed by voice vote

SB 53 : exempt records regarding jail inmate disciplinary matters from public inspection and copying.

Presented by: Senator Helene Duhamel

Proponents: Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Rob Yantis, Commander, Pennington County Jail

MOTION: DO PASS SB 53

Moved by: Reisch

Second by: Massie

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

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

Excused: St. John and Tordsen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 53 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 64 : repeal provisions related to the jail mental health screening pilot
program and oversight council.**

Presented by: Representative Curt Massie

Proponents: Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Greg Sattizahn, Unified Judicial System
Rob Yantis, Commander, Pennington County Jail

MOTION: DO PASS SB 64

Moved by: Fitzgerald

Second by: Kull

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

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

Excused: St. John and Tordsen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 64 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 206 : clarify good cause for the purpose of continuing an involuntary commitment hearing.

Presented by: Representative Mike Stevens

Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Pierre
Eric Whitcher, self, Rapid City

MOTION: DO PASS SB 206

Moved by: Fitzgerald

Second by: Teunissen

Action: Prevailed by Majority Members Elect (7-3-3-0)

Voting Yes: Fitzgerald, Kull, Massie, Reimer, Teunissen, Stevens, and Hansen

Voting No: Odenbach, Pourier, and Soye

Excused: Reisch, St. John, and Tordsen

SB 70 : revise provisions related to courtroom modifications for child witnesses.

Presented by: Senator Tim Reed

Proponents: Tifanie Petro, Children's Home Child Advocacy Center, Rapid City
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre
Carrie Sanderson, Center for the Prevention of Child Maltreatment, Sioux Falls
Lara Roetzel, self, Rapid City

Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Pierre

MOTION: DO PASS SB 70

Moved by: Fitzgerald

Second by: Pourier

Action: Prevailed by Majority Members Elect (8-2-3-0)

Voting Yes: Fitzgerald, Kull, Massie, Odenbach, Pourier, Soye, Teunissen, and Hansen

Voting No: Reimer and Stevens

Excused: Reisch, St. John, and Tordsen

SB 90 : provide certain definitions related to the crime of rape.

Presented by: Senator Tim Reed

Proponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Grant M. Flynn, South Dakota State's Attorneys Association, Pierre
Roxanne Hammond, Pennington County State's Attorney's Office, Rapid City
Dan Nelson, self, Brookings

MOTION: DO PASS SB 90

Moved by: Stevens
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (10-0-3-0)

Voting Yes: Fitzgerald, Kull, Massie, Odenbach, Pourier, Reimer, Soye, Teunissen,
Stevens, and Hansen

Excused: Reisch, St. John, and Tordsen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 90 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 91 : revise certain provisions regarding the crime of rape and provide a
penalty therefor.**

Presented by: Senator Tim Reed
Proponents: Grant M. Flynn, South Dakota State's Attorneys Association, Pierre
Roxanne Hammond, Pennington County State's Attorney's Office, Rapid City
Lara Roetzel, self, Rapid City
Dan Nelson, self, Brookings
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Representative Becky J. Drury

MOTION: DO PASS SB 91

Moved by: Stevens
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (10-1-2-0)

Voting Yes: Fitzgerald, Kull, Massie, Odenbach, Pourier, Reisch, Soye, Teunissen, Stevens,
and Hansen

Voting No: Reimer

Excused: St. John and Tordsen

MOTION: ADJOURN

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

Janelle Toman, Committee Secretary

/s/ JON HANSEN

Jon Hansen, Chair