

Committee: Senate Judiciary

Tuesday, January 16, 2024 7:45 AM

Roll Call

Present: Sen. Hoffman, Sen. Mehlhaff, Sen. Rohl, Sen. Wheeler, Sen. Stalzer, and Sen. Duhamel

Excused: Sen. Diedrich

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Duhamel

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 11TH

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

INFORMATIONAL BRIEFING Greg Sattizahn Unified Judicial System

SB 27 : modify the criteria for removal from the sex offender registry.

MOTION: AMEND SB 27

27A

On page 1, line 7, of the Introduced bill, remove the overstrikes from " five"
On page 1, line 7, of the Introduced bill, after "five" delete " ten"
On page 2, line 8, of the Introduced bill, remove the overstrikes from " five-year"
On page 2, line 8, of the Introduced bill, after "five-year" delete " ten-year"
On page 2, after line 10, of the Introduced bill, insert: "

Section 2. That § 22-24B-2.1 be AMENDED:

22-24B-2.1. The sex offender registry ~~shall consist~~ consists of three tiers as provided for in §§ 22-24B-19 to 22-24B-19.2, inclusive. Placement in Tier III requires registrants to register throughout their lifetime. Placement in Tier II requires registrants to register for a minimum of twenty-five years. Placement in Tier I requires registrants to register for a minimum of ~~ten~~ five years."

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

MOTION: DO PASS SB 27 AS AMENDED

Moved by: Wheeler
Second by: Rohl
Action: Prevailed by Majority Members Elect (5-0-2-0)

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

Excused: Diedrich and Rohl

SB 15 : require a convicted defendant to reimburse the cost of digital forensic examination fees.

Presented by: Senator Helene Duhamel
Proponents: Brent Gromer, Self, Rapid City
John Pizzuro, Self, Point Pleasant NJ
Matthew McCaulley, SD States Attorneys Assn, Harrisburg
Jessica LaMie, Attorney General
Toby Russell, SD Department of Criminal Investigation

MOTION: DO PASS SB 15

Moved by: Mehlhaff
Second by: Duhamel
Action: Prevailed by Majority Members Elect (4-1-2-0)

Voting Yes: Hoffman, Mehlhaff, Stalzer, and Duhamel

Voting No: Wheeler

Excused: Diedrich and Rohl

SB 36 : revise provisions related to driving under the influence.

Presented by: Senator Brent "B.R." Hoffman
Proponents: Jenna R. Severyn, South Dakota Police Chiefs Association, FORT PIERRE
William Paulson, Self, Springfield
Frank Harris, Self, Irving Texas
Lorelai Exendine, Self, Sioux Falls
Opponents: David Whitesock, Self, Potsdam NY
Randi Spaid, Self, Pierre
Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: AMEND SB 36

36A

On page 2, line 27, of the Introduced bill, remove the overstrikes from " or the Department of Corrections, respectively"

On page 2, line 28, of the Introduced bill, after "respectively" delete " in chapter 23A-48"

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

MOTION: DO PASS SB 36 AS AMENDED

Moved by: Mehlhaff
Second by: Stalzer
Action: Failed by Majority Members Elect (3-3-1-0)

Voting Yes: Hoffman, Mehlhaff, and Stalzer

Voting No: Rohl, Wheeler, and Duhamel

Excused: Diedrich

THE CHAIR DEFERRED SB 36 UNTIL A LATER DATE

SB 61 : repeal the Visitation Grant Advisory Group.

THE CHAIR DEFERRED SB 61 UNTIL THURSDAY JANUARY 18TH

MOTION: ADJOURN

Moved by: Stalzer

Second by: Mehlhaff

Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair