

Committee: House Judiciary

Wednesday, January 17, 2024 10:00 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF FRIDAY, JANUARY 12TH

Moved by: Stevens
Second by: Fitzgerald
Action: Prevailed by voice vote

HB 1038 : exclude certain habitual DUI offenders from eligibility for presumptive probation.

Presented by: Representative Mary Fitzgerald
Proponents: Grant Flynn, Attorney General Daniel Haggar, Minnehaha
Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City David Whitesock, Self, Potsdam, NY

MOTION: AMEND HB 1038

1038A

On page 1, line 9, of the Introduced bill, after "24-2-14(1)," delete " 32-23-4, 32-23-4. 6,"
On page 1, line 11, of the Introduced bill, after "probation" insert ", and any mandatory minimum sentence under chapter 32-23, as applicable"

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

MOTION: DO PASS HB 1038 AS AMENDED

Moved by: Stevens
Second by: Kull
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

HB 1046 : prohibit the intentional disarming of a law enforcement officer and to provide a penalty therefor.

Presented by: Representative David Kull

Proponents: Matthew McCaulley, South Dakota State's Attorneys Association, Sioux Falls
Daniel Haggar, Minnehaha
Jason Ketterling, Department of Public Safety
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna R. Severyn, South Dakota Police Chiefs Association, FORT PIERRE
Grant Flynn, Attorney General

Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City
Steve Siegel, South Dakota Trial Lawyers Association, Pierre

MOTION: DO PASS HB 1046

Moved by: Fitzgerald
Second by: Reisch
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

HB 1047 : enhance the penalties for eluding law enforcement.

Presented by: Representative David Kull

Proponents: Matthew McCaulley, South Dakota State's Attorneys Association, Sioux Falls
Daniel Haggar, Minnehaha
Jason Ketterling, Department of Public Safety
Grant Flynn, Attorney General
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna R. Severyn, South Dakota Police Chiefs Association, FORT PIERRE

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

MOTION: DO PASS HB 1047

Moved by: Fitzgerald
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 HB 1047 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Madisen Vetter, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair