

Committee: House Judiciary

Friday, January 19, 2024 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, JANUARY 10TH

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

HB 1084 : repeal a provision related to habeas corpus proceedings.

Presented by: Greg Sattizahn, Unified Judicial System
Opponents: Chet Elsworth, self, Rapid City

MOTION: DO PASS HB 1084

Moved by: Stevens
Second by: Kull
Action: Prevailed by Majority Members Elect (9-4-0-0)

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

Voting No: Odenbach, Pourier, Soye, and Tordsen

HB 1085 : specify the venue of appeal to circuit court for persons committed to a mental health facility.

Presented by: Greg Sattizahn, Unified Judicial System
Proponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS HB 1085

Moved by: Odenbach
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 HB 1085 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1086 : establish an enhanced penalty for probationers intentionally causing contact with bodily fluids or human waste with a Unified Judicial System employee.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1086

Moved by: Reisch
Second by: Massie
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 1087 : modify the definitions of a child in need of supervision and a delinquent child.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1087

Moved by: Odenbach
Second by: Soye
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 1087 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1088 : remove the option for a court services officer to prepare documentation in an adoption proceeding.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: AMEND HB 1088

1088A

On page 1, line 5, of the Introduced bill, remove the overstrikes from the comma
On page 1, line 5, of the Introduced bill, remove the overstrikes from " a husband and wife"
On page 1, line 5, of the Introduced bill, after "wife" delete " persons"
On page 1, line 5, of the Introduced bill, remove the overstrikes from the comma

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

MOTION: DO PASS HB 1088 AS AMENDED

Moved by: Odenbach
Second by: Soye
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 1088 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1076 : clarify antisemitism as an unfair or discriminatory practice.

Presented by: Representative Fred Deutsch
Proponents: Katie Hruska, Governor's Office
Isiah Cohen, Self, Vermillion
Stephen Rosenthal, Self, Sioux Falls
Kenneth Marcus, Self, Sioux Falls
Mussie Alperowitz, Jewish Community, Sioux Falls
Opponents: Jen Dreiske, Self, Sioux Falls
Taneeza Islam, South Dakota Voices for Justice, Sioux Falls
Natalie Sites Means, Self, Rapid City
Julian Beaudion, Self, Sioux Falls
Lawerence Novotny, Self, Brookings
Brian Burge, Self, Beresford

MOTION: DO PASS HB 1076

Moved by: Reimer
Second by: Kull
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1076 TO THE 41ST LEGISLATIVE DAY

Moved by: Odenbach
Second by: Soye
Action: Failed by Majority Members Elect (6-7-0-0)

Voting Yes: Massie, Odenbach, Pourier, Soye, Stevens, and Hansen

Voting No: Fitzgerald, Kull, Reimer, Reisch, St. John, Teunissen, and Tordsen

Revert to previous motion

MOTION: DO PASS HB 1076

Moved by: Reimer
Second by: Kull
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Fitzgerald, Kull, Pourier, Reimer, Reisch, St. John, Teunissen, and Tordsen

Voting No: Massie, Odenbach, Soye, Stevens, and Hansen

MOTION: ADJOURN

Moved by: Stevens

Second by: Odenbach

Action: Prevailed by voice vote

Madisen Vetter, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair