

Committee: Senate Judiciary

Tuesday, January 30, 2024 7:45 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Duhamel

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 25TH

Moved by: Klumb
Second by: Mehlhaff
Action: Prevailed by voice vote

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, Self, Minnehaha County, Sioux Falls
Jason Ketterling, Department of Public Safety
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Jessica LaMie, Attorney General

MOTION: DO PASS HB 1046

Moved by: Mehlhaff
Second by: Klumb
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1046 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1047 : enhance the penalties for eluding law enforcement.

Presented by: Representative David Kull
Proponents: Jason Ketterling, Department of Public Safety
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Jessica LaMie, Attorney General
Daniel Haggar, Self, Minnehaha County, Sioux Falls
Matthew McCaulley, SD States Attorneys Assn, Harrisburg

MOTION: DO PASS HB 1047

Moved by: Klumb

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

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1047 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 85 : revise a provision related to an action to quiet title to real property.

Presented by: Senator Lee Schoenbeck

MOTION: DO PASS SB 85

Moved by: Klumb
Second by: Wheeler
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 85 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 108 : revise a provision related to retrocession of jurisdiction over federal enclaves.

Presented by: Senator Helene Duhamel
Proponents: Michelle Richart, Self, Colorado Springs, CO
Lara Roetzel, Self, Rapid City
Matthew McCaulley, SD States Attorneys Assn, Harrisburg

MOTION: DO PASS SB 108

Moved by: Mehlhaff
Second by: Wheeler
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Klumb, Mehlhaff, Rohl, Wheeler, Stalzer, and Duhamel

Excused: Hoffman

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 108 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 77 : revise and repeal provisions related to threatening law enforcement officers and elected officials and to provide a penalty therefor.

Presented by: Senator Tim Reed
Proponents: Dan Nelson, self, Brookings
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Jessica LaMie, Attorney General
Matthew McCaulley, SD States Attorneys Assn, Harrisburg

Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: AMEND SB 77

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On page 1, line 1, of the Introduced bill, delete " and repeal provisions" and insert " a provision"
On page 1, line 2, after "officers" delete " and elected officials and to provide a penalty therefor"
On the Introduced bill, delete everything after the enacting clause and insert:
"

Section 1. That § 22-11-15.5 be AMENDED:

22-11-15.5. Any person who, knowingly and intentionally, ~~deposits for conveyance in the mail or for a delivery from any post office or by any messenger, any letter, paper, writing, print, or document containing any~~ communicates any written or electronic threat to take the life of or to inflict serious bodily harm upon a law enforcement officer of the state or a member of the officer's immediate family is guilty of a Class 5 felony. The threat must relate to the officer's official capacity. However, if any such threat is made which otherwise would constitute a violation of § 22-11-4 or 22-18-1.1, the provisions of such sections supersede the provisions of this section, and the penalties provided in § 22-11-4 or 22-18-1.1 apply."

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

MOTION: DO PASS SB 77 AS AMENDED

Moved by: Wheeler
Second by: Duhamel
Action: Prevailed by Majority Members Elect (5-1-1-0)

Voting Yes: Klumb, Rohl, Wheeler, Stalzer, and Duhamel

Voting No: Mehlhaff

Excused: Hoffman

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair