

Committee: House Judiciary

Wednesday, January 31, 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. Stevens, and Rep. Hansen
Excused: Rep. Tordsen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 29TH

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

SB 26 : clarify the membership of the Open Meeting Commission.

Presented by: Marty Jackley, Attorney General, Pierre
Proponents: Matthew McCaulley, SD States Attorneys Assn, Harrisburg

MOTION: DO PASS SB 26

Moved by: Pourier
Second by: Soye
Action: Prevailed by Majority Members Elect (12-0-1-0)

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

Excused: Tordsen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 26 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

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

Presented by: Marty Jackley, Attorney General, Pierre
Proponents: Matthew McCaulley, SD States Attorneys Assn, Harrisburg

MOTION: DO PASS SB 27

Moved by: Stevens
Second by: Reisch
Action: Prevailed by Majority Members Elect (9-3-1-0)

Voting Yes: Kull, Odenbach, Pourier, Reisch, Soye, St. John, Teunissen, Stevens, and Hansen

Voting No: Fitzgerald, Massie, and Reimer

Excused: Tordsen

HB 1152 : establish the crime of possession of a weapon or tools with intent to commit theft and to provide a penalty therefor.

Presented by: Representative Tyler Tordsen (Handout(s) SFPD reports)

Proponents: Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Daniel Haggar, Self, Minnehaha County, Sioux Falls
Trevor Johnson, South Dakota Auto Dealers Association, Sioux Falls
T.J. Nelson, South Dakota State’s Attorneys Association, Sioux Falls

MOTION: DEFER HB 1152 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens

Second by: Odenbach

Action: Prevailed by Majority Members Elect (7-6-0-0)

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

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

HB 1110 : eliminate the right to a preliminary hearing when an offender is charged with a nonviolent felony and when the offender is out of custody.

Presented by: Representative David Kull

Proponents: Daniel Haggar, Self, Minnehaha County, Sioux Falls
Richard Tieszen, South Dakota Sheriffs Association, Eureka
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Jon Thum, Sioux Falls, Self
Marty Jackley, Attorney General, Pierre
Eric Erickson, South Dakota Municipal League, Fort Pierre
Matthew McCaulley, SD States Attorneys Assn, Harrisburg
Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City (Handout(s) Grand Jury Reform)
Rob Conrad, Self, Pierre
Steve Siegel, South Dakota Trial Lawyers Association, Pierre

MOTION: AMEND HB 1110

1110A

On page 2, line 23, of the Introduced bill, after "offender" delete " charged with a Class 4, Class 5, or Class 6 felony"

Moved by: Tordsen

Second by: Odenbach

Action: Prevailed by voice vote

MOTION: DEFER HB 1110 TO THE 41ST LEGISLATIVE DAY

Moved by: Fitzgerald

Second by: Reisch

Action: Prevailed by Majority Members Elect (9-4-0-0)

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

Voting No: Kull, St. John, Tordsen, and Hansen

MOTION: ADJOURN

Moved by: Stevens

Second by: Reisch

Action: Prevailed by voice vote

Madisen Vetter, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair