

Committee: Senate Judiciary

Tuesday, February 06, 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, FEBRUARY 01ST

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

SB 97 : establish the admissibility of evidence of similar crimes in sexual assault cases.

Presented by: Senator Tim Reed
Proponents: Lara Roetzel, Self, Rapid City
Krista Heeren-Graber, Self, Sioux Falls
Grant Flynn, Attorney General
Yvonne Taylor, SD Advocacy Network for Women, Sioux Falls
Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City (Handout(s) 1,2)
Steve Siegel, South Dakota Trial Lawyers Association, Pierre

MOTION: DEFER SB 97 TO THE 41ST LEGISLATIVE DAY

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

Voting Yes: Rohl and Wheeler

Voting No: Hoffman, Klumb, Mehlhaff, Stalzer, and Duhamel

MOTION: DO PASS SB 97

Moved by: Klumb
Second by: Stalzer
Action: Prevailed by Majority Members Elect (5-2-0-0)

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

Voting No: Rohl and Wheeler

SB 98 : establish the admissibility of evidence of similar crimes in child molestation cases.

Presented by: Senator Tim Reed

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

MOTION: DO PASS SB 98

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

Voting Yes: Hoffman, Klumb, Stalzer, and Duhamel

Voting No: Rohl and Wheeler

Excused: Mehlhaff

SB 149 : establish the admissibility of evidence of similar acts in civil cases involving sexual assault or child molestation.

Presented by: Senator Tim Reed

Opponents: Doug Abraham, American Property Casualty Insurance Association, Chicago, IL

Others: Grant Flynn, Attorney General

MOTION: AMEND SB 149

149A

On page 1, line 6, of the Introduced bill, after "party" insert " was found to have"

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

MOTION: DEFER SB 149 TO THE 41ST LEGISLATIVE DAY

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

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

Excused: Mehlhaff

SJR 506 : Proposing and submitting to the voters at the next general election, an amendment to the Constitution of the State of South Dakota, to address the right of citizens to bear arms.

Presented by: Senator Julie Frye-Mueller

Proponents: Chuck Jasper, Self, Rapid City
Mike Mueller, Self, Rapid City

Opponents: Doug Abraham, South Dakota Retailers Association, Pierre
Justin Bell, South Dakota State Medical Association, Sioux Falls

MOTION: DEFER SJR 506 TO THE 41ST LEGISLATIVE DAY

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

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

SB 202 : require active efforts in abuse and neglect proceedings that involve Indian children.

Presented by: Senator Shawn Bordeaux
Opponents: Matt Althoff, Department of Social Services

MOTION: DEFER SB 202 TO THE 41ST LEGISLATIVE DAY

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

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

SB 211 : revise notarial acts.

Presented by: Senator David Wheeler
Proponents: Shane Pullman, Department of Transportation
Deb Mortenson, AGC of SD, Pierre
Matthew McCaulley, South Dakota Land Title Association, Miller
Terra Larson, South Dakota Trust Association, Rapid City
Roger A. Tellinghuisen, South Dakota Association of County Officials, Pierre
Brett Koenecke, South Dakota Bankers Association, Pierre
Justin G. Smith, Sioux Falls Area Chamber of Commerce, Sioux Falls
Christine Lehrkamp, Secretary of State
Annie Malave, Self, Lenexa, KS

MOTION: DO PASS SB 211

Moved by: Rohl
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 SB 211 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair