

Committee: House Judiciary

Wednesday, February 14, 2024 10:00 AM

Roll Call

Present: Rep. Kull, Rep. Massie, Rep. Reisch, Rep. Soye, Rep. Teunissen,  
Rep. Stevens, and Rep. Hansen

Excused: Rep. Fitzgerald, Rep. Odenbach, Rep. Pourier, Rep. Reimer, Rep. St. John,  
and Rep. Tordsen

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Hansen**

**MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 12<sup>TH</sup>**

Moved by: Soye

Second by: Stevens

Action: Prevailed by voice vote

**HB 1153 : impose a reporting requirement regarding a lost or stolen firearm and to provide a penalty therefor.**

Presented by: Representative Linda Duba (Handout(s) 1)

Opponents: Brian Gosch, National Rifle Association of America, Fairfax, VA  
Matthew McCaulley, SD States Attorneys Assn, Harrisburg  
Richard Tieszen, South Dakota Sheriffs Association, Eureka

**MOTION: AMEND HB 1153**

1153A

On page 1, line 16, of the Introduced bill, delete "is guilty of a Class 1 misdemeanor" and insert " commits a petty offense"

On page 2, line 23, of the Introduced bill, delete "is guilty of a Class 1 misdemeanor" and insert " commits a petty offense"

On page 2, line 29, of the Introduced bill, delete " is guilty of a Class 1 misdemeanor" and insert " commits a petty offense"

Moved by: Stevens

Second by: Pourier

Action: Prevailed by voice vote

**MOTION: AMEND HB 1153**

1153B

On page 1, line 16, of the Introduced bill, delete "is guilty of a Class 1 misdemeanor" and insert " commits a petty offense"

On page 2, line 21, of the Introduced bill, delete "RESULT IN THE IMPOSITION OF A CRIMINAL PENALTY" and insert " CONSTITUTE A PETTY OFFENSE"

On page 2, line 23, of the Introduced bill, delete "is guilty of a Class 1 misdemeanor" and insert " commits a petty offense"

On page 2, line 27, of the Introduced bill, delete " RESULT IN THE IMPOSITION OF A CRIMINAL PENALTY" and insert " CONSTITUTE A PETTY OFFENSE"

On page 2, line 29, of the Introduced bill, delete " is guilty of a Class 1 misdemeanor" and insert " commits a petty offense"

Moved by: Kull  
Second by: Reimer  
Action: Prevailed by voice vote

**MOTION: DEFER HB 1153 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Fitzgerald  
Second by: Massie  
Action: Prevailed by Majority Members Elect (10-1-2-0)

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

Voting No: Pourier

Excused: Odenbach and Tordsen

**HB 1174 : require proper storage of a firearm and to provide a penalty therefor.**

Presented by: Representative Linda Duba  
Opponents: Brian Gosch, National Rifle Association of America, Fairfax, VA  
Doug Abraham, American Property Casualty Insurance Association, Chicago, IL  
Doug Abraham, De Smet Farm Mutual Insurance Company of South Dakota  
Doug Abraham, De Smet Insurance Company of South Dakota  
Doug Abraham, South Dakota Retailers Association, Pierre  
Matthew McCaulley, SD States Attorneys Assn, Harrisburg  
Richard Tieszen, South Dakota Sheriffs Association, Eureka

**MOTION: AMEND HB 1174**

1174A

On page 1, line 20, of the Introduced bill, delete " is guilty of a Class 2 misdemeanor for a first offense, and a Class 1 misdemeanor for a second or subsequent" and insert " commits a petty"

On page 2, line 15, of the Introduced bill, delete " is guilty of a Class 1 misdemeanor" and insert " commits a petty offense"

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

**MOTION: AMEND HB 1174**

1174B

On page 1, line 20, of the Introduced bill, delete " is guilty of a Class 2 misdemeanor for a first offense, and a Class 1 misdemeanor for a second or subsequent" and insert " commits a petty"

On page 2, line 13, of the Introduced bill, after "may " insert "constitute a petty offense and may "

On page 2, line 13, of the Introduced bill, after "in " delete "the imposition of a criminal penalty and "

On page 2, line 15, of the Introduced bill, delete " is guilty of a Class 1 misdemeanor" and insert " commits a petty offense"

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

**MOTION: DEFER HB 1174 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Kull  
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

**HB 1254 : remove irreconcilable differences as a cause for divorce.**

Presented by: Representative Tony Randolph  
Proponents: Norman Woods, SD Family Voice Action, Rapid City  
Opponents: Steve Siegel, South Dakota Trial Lawyers Association, Pierre  
Yvonne Taylor, SD Advocacy Network for Women, Sioux Falls  
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls  
Samantha Chapman, American Civil Liberties Union Foundation Inc., NY

**MOTION: DEFER HB 1254 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Stevens  
Second by: Fitzgerald  
Action: Prevailed by Majority Members Elect (11-2-0-0)

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

Voting No: Soye and Hansen

**HB 1257 : require age verification by websites containing material harmful to minors.**

Presented by: Representative Bethany Soye  
Proponents: Jon Schweppe, Self, Ashburn Virginia  
Hollie Strand, Pennington County Sheriff's Office, Hermosa  
Lisa Gennaro, Concerned Women for America, Alexandria, VA  
Heather Fields, Self, Rapid City  
Norman Woods, SD Family Voice Action, Rapid City  
Michael G. Pauley, South Dakota Catholic Conference, Rapid City  
Tamara R Grove, Protecting South Dakota Kids Inc., Rapid City  
Opponents: Ben Sherman, Self, Rapid City

**MOTION: AMEND HB 1257**

On page 3, line 7, of the Introduced bill, delete " any reliable and accurate method" and insert " a procedure"

On page 3, line 9, of the Introduced bill, delete " verifying any" and insert " using the following"

On page 3, line 9, of the Introduced bill, after "means" delete " of identification, including"

On page 3, line 13, of the Introduced bill, after "information;" delete " or"

On page 3, line 15, of the Introduced bill, after "older;" insert " or

(e) Any other method that reliably and accurately determines if a user of a covered platform is a minor and prevents access by minors to the content on a covered platform;"

Moved by: Stevens

Second by: Tordsen

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1257 AS AMENDED**

Moved by: Stevens

Second by: Odenbach

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

**MOTION: ADJOURN**

Moved by: Odenbach

Second by: Fitzgerald

Action: Prevailed by voice vote

Madisen Vetter, Committee Secretary

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/s/ JON HANSEN  
Jon Hansen, Chair