

Committee: Senate Judiciary

Thursday, February 15, 2024 7:45 AM

Roll Call

Present: Sen. Hoffman, Sen. Mehlhaff, Sen. Rohl, Sen. Wheeler, Sen. Walsh, 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 TUESDAY, FEBRUARY 13TH

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

SB 203 : expand certain privileges for individuals who hold an unrestricted enhanced concealed carry permit.

Presented by: Senator Brent "B.R." Hoffman
Proponents: Representative Kevin Jensen
Brian Gosch, National Rifle Association of America, Fairfax, VA
Opponents: Douglas R. Wermedal, Associated School Boards of South Dakota, Pierre
Sandra Marie Waltman, South Dakota Education Association, Pierre
Mitch Richter, South Dakota United School Association, Milbank

MOTION: AMEND SB 203

203C

On page 1, line 19, of the Introduced bill, after "older;" delete " and"
On page 1, line 21, of the Introduced bill, after "23-7;" insert " and
(c) Has written permission from the principal of the school or other person who has general control and supervision of the building or grounds;"

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

MOTION: DO PASS SB 203 AS AMENDED

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

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

HB 1076 : require the consideration of the definition of antisemitism when investigating unfair or discriminatory practices.

Presented by: Senator Jim Mehlhaff (Handout(s) 1)
Proponents: Representative Fred Deutsch
Katie Hruska, Governor's Office

Mendel Alperowitz, Self, Sioux Falls
 Stephen Rosenthal, Self, Sioux Falls
 Jake Bennett, Self, Phoenix
 Mark Goldfeder, Self, Atlanta
 Kenneth Marcus, Self, Virginia
 Justin G. Smith, Sioux Falls Area Chamber of Commerce, Sioux Falls

MOTION: AMEND HB 1076

1076G

On page 1, line 7, of the House Engrossed bill, delete " means a certain perception of Jews that may be expressed as hatred toward Jews, including rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property, or toward Jewish community institutions and religious facilities" and insert " has the same meaning as the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, including the contemporary examples of antisemitism identified therein"

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

MOTION: DO PASS HB 1076 AS AMENDED

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

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

HB 1089 : exclude certain crimes from presumptive probation.

Presented by: Representative Mary Fitzgerald
 Proponents: Stephen Gemar, Attorney General
 Lara Roetzel, Self, Rapid City

MOTION: AMEND HB 1089

1089A

On page 1, line 8, of the Introduced bill, after "22-24B-23," insert " 22-30A-17 if the property stolen is a firearm,"

On page 1, line 9, of the Introduced bill, after "probation." delete " An offender convicted of a Class 5 or Class 6 felony under § 22-30A-17, if the property stolen is a firearm, is also excluded from a presumptive sentence of probation."

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

MOTION: DO PASS HB 1089 AS AMENDED

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

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1089 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1104 : enhance the penalty for accessory to first- or second-degree murder.

Presented by: Representative Mary Fitzgerald

Proponents: Stephen Gemar, Attorney General
Lara Roetzel, Self, Rapid City
Sam Akers, Self, Rapid City

Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS HB 1104

Moved by: Mehlhaff

Second by: Wheeler

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

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

HB 1023 : provide immunity from liability for certain actions of the State Bar and its agents.

Presented by: Senator David Wheeler

Proponents: Paul Cremer, State Bar of South Dakota, Pierre (Handout(s) 2)
Doug Abraham, American Property Casualty Insurance Association, Chicago, IL

Opponents: Chet Ellsworth, Self, Rapid City (Handout(s) 3)

MOTION: DO PASS HB 1023

Moved by: Wheeler

Second by: Rohl

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

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

HB 1038 : exclude certain habitual DUI offenders from eligibility for presumptive probation.

Presented by: Senator Brent "B.R." Hoffman

Proponents: Representative Mary Fitzgerald
Stephen Gemar, Attorney General

MOTION: AMEND HB 1038

1038C

On page 1, line 9, of the House Judiciary Engrossed bill, after "24-2-14(1)," insert " 32-23-4. 6,"

On page 1, line 10, of the House Judiciary Engrossed bill, after "probation" delete ", and any mandatory minimum sentence under chapter 32-23, as applicable"

Moved by: Wheeler

Second by: Rohl

Action: Prevailed by voice vote

MOTION: DO PASS HB 1038 AS AMENDED

Moved by: Hoffman

Second by: Mehlhaff

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

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1038 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Wheeler

Second by: Rohl

Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair