

Committee: House Judiciary

Wednesday, February 21, 2024 10:00 AM

Roll Call

Present: Rep. Fitzgerald, Rep. Kull, Rep. Massie, Rep. Pourier, Rep. Reimer,
Rep. Reisch, Rep. Soye, Rep. St. John, Rep. Teunissen, Rep. Tordsen,
Rep. Stevens, and Rep. Hansen
Excused: Rep. Odenbach

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 14TH

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

SB 15 : require a convicted defendant to reimburse the cost of digital forensic examination fees.

Presented by: Representative David Kull
Senator Helene Duhamel
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Matthew McCaulley, SD States Attorneys Assn, Harrisburg
Stephen Gemar, Attorney General
Brent Gromer, Self, Rapid City

MOTION: DO PASS SB 15

Moved by: Fitzgerald
Second by: Massie
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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 15 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: Representative Mike Stevens

MOTION: DO PASS SB 85

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

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

Voting No: Odenbach, Soye, and Hansen

Excused: Pourier

SB 9 : further limit applications for clemency for violent crime offenders sentenced to life imprisonment.

Presented by: Representative Rocky Blare

Proponents: Senator Erin Tobin
Karol Kniffen, Self, Wagman
Denise Soukup, self, Wagner
Rebecca Brindle, Self, Aurora, CO
Stephen Gemar, Attorney General
Matthew McCaulley, SD States Attorneys Assn, Harrisburg

Opponents: Representative Kady Wittman
Denny Davis, Self, Vermillion

MOTION: DO PASS SB 9

Moved by: Fitzgerald
Second by: Kull
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: AMEND SB 9

9F

On page 1, line 10, of the Senate Engrossed bill, after "of" insert " one to"
On page 1, line 10, of the Senate Engrossed bill, after "years" insert ", as determined by the board. The board must establish in the record the date when the inmate will again be eligible to present an application for clemency at the time of denial"
On page 1, line 19, of the Senate Engrossed bill, after "of" insert " one to"
On page 1, line 19, of the Senate Engrossed bill, after "years" insert ", as determined by the board. The board must establish in the record the date when the inmate will again be eligible to present an application for clemency at the time of denial"

Moved by: Stevens
Second by: Pourier
Action: Failed by voice vote

Revert to previous motion

MOTION: SUBSTITUTE MOTION: AMEND SB 9

9G

On page 1, line 10, of the Senate Engrossed bill, after "of" insert " two to"
On page 1, line 10, of the Senate Engrossed bill, after "years" insert ", as determined by the board. The board must establish in the record the date when the inmate will again be eligible to present an application for clemency at the time of denial"
On page 1, line 19, of the Senate Engrossed bill, after "of" insert " two to"

On page 1, line 19, of the Senate Engrossed bill, after "years" insert ", as determined by the board. The board must establish in the record the date when the inmate will again be eligible to present an application for clemency at the time of denial"

Moved by: Stevens
Second by: Pourier
Action: Failed by Majority Members Elect (6-7-0-0)

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

Voting No: Fitzgerald, Kull, Massie, Reimer, Soye, Teunissen, and Tordsen

Revert to previous motion

MOTION: DO PASS SB 9

Moved by: Fitzgerald
Second by: Kull
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

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

Presented by: Senator Tim Reed

Proponents: Lora Roetzel, Pennington County States Attorney, Rapid City
Representative Becky Drury
Grant Flynn, Attorney General

Opponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City (Handout(s) 1)

MOTION: DO PASS SB 97

Moved by: Tordsen
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Fitzgerald, Kull, Massie, Reisch, St. John, Teunissen, Tordsen, and Hansen

Voting No: Odenbach, Pourier, Reimer, Soye, and Stevens

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

Presented by: Senator Tim Reed

Proponents: Lora Roetzel, Pennington County States Attorney, Rapid City
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Representative Becky Drury
Grant Flynn, Attorney General

Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City (Handout(s) 1)

MOTION: DO PASS SB 98

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 98 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Odenbach
Second by: Soye
Action: Prevailed by voice vote

Madisen Vetter, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair