

Committee: Senate Judiciary

Thursday, February 22, 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 20<sup>TH</sup>**

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

**HB 1057 : create the Commission on Indigent Legal Services and Office of Indigent Legal Services.**

Presented by: Greg Sattizahn, Unified Judicial System  
Proponents: Katie Hruska, Governor's Office  
Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City  
Eric Erickson, South Dakota Association of County Commissioners, Pierre  
Staci Ackerman, South Dakota Sheriffs' Association, Eureka  
Charles McGuigan, Attorney General  
Paul Cremer, State Bar of South Dakota, Pierre  
Matthew McCaulley, SD States Attorneys Assn, Harrisburg

**MOTION: DO PASS HB 1057**

Moved by: Mehlhaff  
Second by: Wheeler  
Action: Prevailed by Majority Members Elect (5-0-2-0)

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

Excused: Walsh and Duhamel

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1057 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1096 : provide that a temporary restraining order may extend beyond thirty days in certain circumstances involving stalking.**

Presented by: Representative Tamara St. John  
Proponents: Senator Tim Reed  
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls  
Matthew McCaulley, SD States Attorneys Assn, Harrisburg (Handout(s) 1)

**MOTION: DO PASS HB 1096**

Moved by: Hoffman  
Second by: Rohl  
Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Duhamel

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1096 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1192 : enhance the penalty for rape of a child twelve years of age or under.**

Presented by: Senator Brent "B.R." Hoffman  
Proponents: Representative Ben Krohmer  
Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

**MOTION: DO PASS HB 1192**

Moved by: Hoffman  
Action: Died for lack of a second

**MOTION: DEFER HB 1192 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Wheeler  
Second by: Rohl  
Action: Prevailed by Majority Members Elect (5-1-1-0)

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

Voting No: Hoffman

Excused: Duhamel

**HB 1195 : provide authority for a court to order offenders convicted of vehicular homicide to pay restitution to a victim's children until age eighteen.**

Presented by: Senator Brent "B.R." Hoffman  
Proponents: Representative Kady Wittman (Handout(s) 2)  
Frank Harris, Self, Irving, TX

**MOTION: AMEND HB 1195**

1195C

On page 1, line 4, of the House Engrossed bill, delete " 25-7" and insert " 23A-28"  
On page 1, line 6, of the House Engrossed bill, after "parent" delete " or guardian"  
Moved by: Wheeler

Second by: Rohl  
Action: Prevailed by voice vote

**MOTION: AMEND HB 1195**

1195D

On the previously adopted amendment (1195C), On page 1, line 24, after "guardian." insert  
" The child's surviving parent or guardian must expend the moneys for the  
benefit of the child."

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

**MOTION: DO PASS HB 1195 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

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1195 AS  
UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT  
CALENDAR.**

**HB 1245 : revise provisions related to the custody of an alleged delinquent child  
before and after a temporary custody hearing.**

**MOTION: DEFER HB 1245**

**MOTION: ADJOURN**

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

Doug Mortenson, Committee Secretary

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/s/ HELENE DUHAMEL  
Helene Duhamel, Chair