

Minutes: Senate Judiciary

Tuesday, January 28, 2025 7:45 AM

Roll Call

Present: Sen. Pischke, Sen. Duhamel, Sen. Mehlhaff, Sen. Grove, Sen. Blanc, Sen. Hulse, and Sen. Wheeler

The meeting was called to order by Senator Wheeler

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 23RD

Moved by: Pischke
Second by: Duhamel
Action: Prevailed by voice vote

KIRSTEN K. AASEN OF RAPID CITY, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES

Presented by: Greg Sattizahn, Unified Judicial System
Proponents: Kellie Wasko, Secretary, Department of Corrections

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT OF KIRSTEN K. AASEN OF RAPID CITY, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES

Moved by: Hulse
Second by: Duhamel
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Pischke, Duhamel, Mehlhaff, Grove, Blanc, Hulse, and Wheeler

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED THE APPOINTMENT OF KIRSTEN K. AASEN OF RAPID CITY, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 64 : revise provisions related to the establishment of an initial parole date.

Presented by: Kellie Wasko, Secretary, Department of Corrections
Proponents: Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls
Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City
Others: Stephen Gemar, Attorney General

MOTION: AMEND SB 64

64B

On page 1, line 6, of the Introduced bill, delete "Manslaughter in the first degree, as defined in § 22-16-15" and insert "First degree murder, as defined in § 22-16-4;
(2) Second degree murder, as defined in § 22-16-7"

On page 1, line 7, of the Introduced bill, delete "(2)" and insert "(3)"
 On page 1, line 8, of the Introduced bill, delete "(3)" and insert "(4)"
 On page 1, line 8, of the Introduced bill, after "-19-1;
 (3)" insert "An act of terrorism, as defined in § 22-8-12;
 (5) Manslaughter in the first degree, as defined in § 22-16-15;
 (6) "
 On page 1, line 8, of the Introduced bill, after "§ 22-22-1;" delete "
 (4) Rape in the second degree, as defined in § 22-22-1;"
 On page 1, line 10, of the Introduced bill, delete "(5)" and insert "(7)"
 On page 1, line 10, of the Introduced bill, after "-22-1;
 (5)" insert "Attempted first degree murder of a law enforcement officer, as defined in § 22-4-3;
 (8) Aggravated kidnapping in the second degree, as defined in § 22-19-1. 1;
 (9) Rape in the second degree, as defined in § 22-22-1;
 (10) "
 On page 1, line 11, of the Introduced bill, delete "(6)" and insert "(11)"
 On page 1, line 12, of the Introduced bill, delete "(7)" and insert "(12)"
 On page 1, line 15, of the Introduced bill, delete "(8)" and insert "(13)"
 On page 1, line 16, of the Introduced bill, delete "(9)" and insert "(14)"
 On page 1, line 18, of the Introduced bill, delete "(10)" and insert "(15)"
 On page 1, line 19, of the Introduced bill, delete "(11)" and insert "(16)"
 On page 1, line 20, of the Introduced bill, delete "(12)" and insert "(17)"
 On page 1, line 20, of the Introduced bill, remove the overstrikes from " and"
 On page 1, line 21, of the Introduced bill, delete "(13)" and insert "(18)"
 On page 1, line 21, of the Introduced bill, after "§ 22-49-2" delete "
 (14) An act of terrorism, as defined in § 22-8-12;
 (15) Aggravated kidnapping in the second degree, as defined in § 22-19-1. 1;
 (16) First degree murder, as defined in § 22-16-4; and
 (17) Attempted first degree murder of a law enforcement officer, as defined in § 22-4-3"
 On page 2, line 19, of the Introduced bill, after "§ 22-19-1.1;" delete "
 (5) Second degree robbery, as defined in § 22-30-6;
 "
 On page 2, line 21, of the Introduced bill, remove the overstrikes from "(5)"
 On page 2, line 21, of the Introduced bill, after "22-30-6;
 (5)" delete "(6)"
 On page 2, line 22, of the Introduced bill, remove the overstrikes from "(6)"
 On page 2, line 22, of the Introduced bill, after "22-32-3;
 (6)" delete "(7)"
 On page 2, line 23, of the Introduced bill, remove the overstrikes from "(7)"
 On page 2, line 23, of the Introduced bill, after "22-10-1;
 (7)" delete "(8)"
 On page 2, line 24, of the Introduced bill, remove the overstrikes from "(8)"
 On page 2, line 24, of the Introduced bill, after "22-16-20;
 (8)" insert " Second degree robbery, as defined in § 22-30-6;
 "

Moved by: Pischke
 Second by: Hulse
 Action: Prevailed by voice vote

MOTION: DO PASS SB 64 AS AMENDED

Moved by: Pischke

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

Voting Yes: Pischke, Duhamel, Mehlhaff, Grove, Blanc, Hulse, and Wheeler

SB 14 : revise and repeal provisions related to agricultural production facilities and to provide a penalty therefor.

Presented by: Senator Casey Crabtree

Proponents: Matthew M Bogue, South Dakota Farm Bureau Federation, Huron
Rob Skjonsberg, South Dakota Pork Producers, Sioux Falls
Liv Stavick, South Dakota Agri-Business Association, Pierre
Taya Runyan, South Dakota Cattlemen's Association, Pierre
Brenda Forman, South Dakota Association of Cooperatives, Pierre
Brenda Forman, SD Dairy Producers, Brookings
Brian Walsh, Department of Agriculture and Natural Resources
Angela Ehlers, South Dakota Association of Conservation Districts, Pierre

Opponents: Chase Jensen, Dakota Rural Action, Brookings
Paul Lepisto, SD Division of the Izaak Walton League of America, North Sioux City

MOTION: AMEND SB 14

14A

On page 1, line 12, of the Introduced bill, remove the overstrikes from "(4) "

On page 1, line 13, of the Introduced bill, after "elk " insert "Is livestock, as defined in § 21-61-1, "

On page 1, line 13, of the Introduced bill, remove the overstrikes from "with a value of less than or equal to two thousand five hundred dollars"

On page 3, line 25, of the Introduced bill, delete " conducting any of the activities prohibited by this section" and insert " committing criminal trespass as set forth in chapter 22-35"

Moved by: Duhamel
Second by: Grove
Action: Prevailed by voice vote

MOTION: DO PASS SB 14 AS AMENDED

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

Voting Yes: Pischke, Duhamel, Mehlhaff, Grove, Blanc, Hulse, and Wheeler

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ DAVID WHEELER
David Wheeler, Chair