

Minutes: House Judiciary

Wednesday, January 29, 2025 10:00 AM

Roll Call

Present: Rep. Mortenson, Rep. Reisch, Rep. Walburg, Rep. Roby, Rep. Fitzgerald, Rep. Reimer, Rep. Hughes, Rep. Massie, Rep. Kull, Rep. Pourier, Rep. Hunt, Rep. Soye, and Rep. Stevens

The meeting was called to order by Representative Stevens

MOTION: TO APPROVE THE MINUTES OF FRIDAY, JANUARY 24TH

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

THE CHAIR DEFERRED HB 1080 UNTIL MONDAY, FEBRUARY 03RD 2025

HB 1082 : revise juror qualifications.

Presented by: Representative Josephine Garcia
Proponents: Representative Phil Jensen

MOTION: AMEND HB 1082

1082A

On page 1, line 1, of the Introduced bill, delete "revise juror qualifications" and insert " permit a person seventy-five years of age or older to request to be excused from jury duty"
On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That § 16-13-10 be AMENDED:
"

On page 1, line 4, of the Introduced bill, after "AMENDED:" delete "16-13-10. "
On page 1, line 4, of the Introduced bill, after "16-13-10. " delete "Any A citizen of this state, who is a is eligible to serve as a juror if the citizen is:
(1) A resident of the county or jury district where the jury is selected, eighteen;
(2) Eighteen years of age or older and under seventy years of age prior to January first of the year of jury service, of;
(3) Of sound mind; and who is able
(4) Able to read, write, and understand the English language, is eligible to serve as a juror. Any member of the clergy, as defined in § 19-19-505, if jury service conflicts with religious belief, is exempt from jury duty. Any member of a church or religious organization is exempt from jury duty if jury service conflicts with the religious belief of that church or religious organization. Any person who has been convicted of a felony, unless restored to civil rights, is not eligible to serve as a juror. No potential juror may be excluded from jury duty because of a visual or hearing impairment."

On page 1, after line 17, of the Introduced bill, insert: "

Section 1. That § 16-13-10.3 be AMENDED:

16-13-10.3. Any person ~~eighty~~ seventy-five years of age or older may request to be excused from jury duty. The judge shall give substantial weight to the person's request to be relieved from jury duty, balancing the request with the need to impanel a jury."

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

MOTION: DO PASS HB 1082 AS AMENDED

Moved by: Hunt
Second by: Pourier
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1082 TO THE 41ST LEGISLATIVE DAY

Moved by: Fitzgerald
Second by: Mortenson
Action: Prevailed by Majority Members Elect (7-6-0-0)

Voting Yes: Mortenson, Reisch, Fitzgerald, Reimer, Hughes, Massie, and Stevens

Voting No: Walburg, Roby, Kull, Pourier, Hunt, and Soye

SB 5 : permit a sheriff to charge a fee for service of process, whether service is completed or not.

Presented by: Representative Tim Walburg (Handout(s) 2)
Proponents: Chris Hislip, Pennington County Sheriffs Office, Rapid City (Handout(s) #1)
Patrick Callahan, Hughes County Sheriff, Pierre
Joe Carlson, Lincoln County Sherriff's Office, Canton (Handout(s) #2)
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Opponents: Dean Krogman, South Dakota Collectors Association, Brookings

MOTION: DO PASS SB 5

Moved by: Reisch
Second by: Kull
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Mortenson, Reisch, Walburg, Roby, Fitzgerald, Reimer, Hughes, Massie, Kull, Pourier, Hunt, Soye, and Stevens

MOTION: ADJOURN

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

Leah Splichal, Committee Secretary

/s/ MIKE STEVENS
Mike Stevens, Chair