

Minutes: Senate Judiciary

Thursday, January 30, 2025 8:00 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 TUESDAY, JANUARY 28TH

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

HB 1049 : update the official code of laws.

Presented by: Senator David Wheeler
Proponents: Justin Goetz, Legislative Research Council

MOTION: DO PASS HB 1049

Moved by: Mehlhaff
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 HB 1049 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1011 : revise provisions related to the stenographic recording of certain proceedings.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1011

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 HB 1011 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 88 : increase the amount of exempt proceeds when a homestead is sold or divided by court order.

Presented by: Senator Tom Pischke (Handout(s) HO#1)

Proponents: David Fransen, Self, Private Attorney, Aberdeen

MOTION: AMEND SB 88

88B

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That § 43-45-3 be AMENDED:

43-45-3. A homestead:

- (1) As defined and limited in chapter 43-31, is absolutely exempt; or
- (2) In the event ~~such the~~ homestead is sold under the provisions of chapter 21-19, or is sold by the owner voluntarily, the proceeds of ~~such the~~ sale, not exceeding the sum of ~~sixty one hundred~~ thousand dollars, ~~is are~~ absolutely exempt for a period of one year after the receipt of ~~such the~~ proceeds by the owner. If the homestead is divided by court order pursuant to § 25-4-44 and a lien is imposed on the homestead for the benefit of the nonoccupant spouse pursuant to § 25-4-42, absence from the homestead and loss of title to the homestead pursuant to the court order, ~~does do~~ not constitute forfeiture of the homestead exemption, and homestead protection ~~shall must~~ attach to the judicial lien for a period of one year. ~~Such The~~ exemption ~~shall be is~~ limited to one hundred seventy thousand dollars for a homestead of a person seventy years of age or older or the unremarried surviving spouse of such person so long as it continues to possess the character of a homestead.

"

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

MOTION: DO PASS SB 88 AS AMENDED

Moved by: Grove
 Second by: Blanc
 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 SB 88 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 83 : revise the penalty and provide treatment for the ingestion of certain controlled substances.

Presented by: Senator Tamara Grove (Handout(s) HO#2)
 Proponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

Opponents: Dennis Lynn Davis, South Dakotans Opposed to the Death Penalty, Vermillion
 Steve Siegel, South Dakota Trial Lawyers Association, Pierre
 Tom Wollman, Lincoln County State Attorney, Sioux Falls
 Tyler Larsen, Yankton County States Attorney, Yankton
 Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls
 Grant Flynn, Attorney General

MOTION: AMEND SB 83

83A

On page 1, line 12, of the Introduced bill, delete " may sentence the person to a period of probation that the court deems best. If probation is ordered, the court must, as a condition of probation, include" and insert ", in addition to any other sentence, shall order"

On page 1, line 15, of the Introduced bill, after "treatment" delete ". The court may impose other terms and conditions of probation as the court deems best"

On page 1, line 17, of the Introduced bill, after "court" insert ", in addition to any other sentence,"

On page 1, line 18, of the Introduced bill, after "of" insert " supervised"

On page 1, line 18, of the Introduced bill, delete " that the court deems best. As a condition of probation, the court shall include" and insert " and order"

On page 1, line 20, of the Introduced bill, after "treatment" delete ". The court may impose other terms and conditions of probation as the court deems best"

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

MOTION: DO PASS SB 83 AS AMENDED

Moved by: Pischke
 Second by: Grove
 Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER SB 83 UNTIL TUESDAY, FEBRUARY 04TH, 2025

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

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

 /s/ DAVID WHEELER
 David Wheeler, Chair