

Minutes: House Judiciary

Monday, February 03, 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 WEDNESDAY, JANUARY 29TH

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

HB 1090 : establish the crime of hazing and to provide a penalty therefor.

Presented by: Representative Josephine Garcia
Proponents: Feisal Hagi, self
Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: AMEND HB 1090

1090B

On page 1, line 8, of the Introduced bill, after "hazing." insert "
A person convicted of a violation of this section may not be convicted of any other violation set forth in this chapter for the same course of conduct."

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

MOTION: DEFER HB 1090 TO THE 41ST LEGISLATIVE DAY

Moved by: Mortenson
Second by: Reisch
Action: Prevailed by Majority Members Elect (9-4-0-0)

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

Voting No: Roby, Kull, Pourier, and Soye

HB 1100 : clarify which opinions must be included in the annual judicial opinions report prepared by the Legislative Research Council.

Presented by: Representative Tim Walburg

MOTION: DO PASS HB 1100

Moved by: Mortenson
Second by: Fitzgerald
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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1100 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1094 : modify laws regarding school bus safety and to provide a penalty therefor.

Presented by: Representative Rebecca Reimer
Proponents: Representative Kevin Diepen
Rob Monson, School Administrators of South Dakota, Pierre
Justin Zajic, Chamberlain School District, Chamberlain
Eric Knight, West Central School District, Hartford
Dianna Miller, Large School Group, Vermillion

MOTION: DO PASS HB 1094

Moved by: Hughes
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

HB 1080 : void covenants that prohibit or restrict the possession or use of firearms and ammunition.

Presented by: Representative Drew Peterson
Senator Michael Rohl
Proponents: Jason Alan Glodt, South Dakota Landowner and Outfitter Alliance, Pierre
Stephen Gemar, Attorney General

MOTION: AMEND HB 1080

1080B

On page 1, line 10, of the Introduced bill, delete "Any " and insert " If a provision in a "
On page 1, line 10, of the Introduced bill, after "covenant" delete " in violation of this section"
On page 1, line 10, of the Introduced bill, after "2025," insert " is found to violate this section, that provision"
On page 1, line 11, of the Introduced bill, after "unenforceable" insert ". A provision that is void and unenforceable is severable and any remaining provisions that can be given effect are not thereby affected"

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

MOTION: DO PASS HB 1080 AS AMENDED

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

MOTION: AMEND THE AMENDMENT

1080D

On the previously adopted amendment (1080B), On page 1, line 10, after "section" delete ", including one enacted before July 1, 2025,"

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

MOTION: DO PASS HB 1080 AS AMENDED

Moved by: Kull
Second by: Mortenson
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: Reimer
Action: Prevailed by voice vote

Leonard Chick, Committee Secretary

/s/ MIKE STEVENS
Mike Stevens, Chair