

Minutes: Senate Judiciary

Tuesday, February 04, 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 THURSDAY, JANUARY 30TH

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

MYRON L. RAU , TO THE BOARD OF PARDONS AND PAROLE

Presented by: Marty Jackley, Attorney General, State of South Dakota
Others: Myron Lau, Board of Pardons and Parole Appointee

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF MYRON L. RAU, TO THE BOARD OF PARDONS AND PAROLE

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 THE APPOINTMENT OF MYRON L. RAU, TO THE BOARD OF PARDONS AND PAROLE 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.

MOTION: AMEND SB 83

83B

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, delete " any recommended course of treatment. The court may impose other terms and conditions of probation as the court deems best" and insert " supervised probation using evidence-based sentencing practices, which may include the HOPE probation program and other programs as established in chapter 16-22"

On page 1, line 17, of the Introduced bill, delete " shall sentence" and insert ", in addition to any other sentence, may sentence"

On page 1, line 18, of the Introduced bill, after "of" insert " up to one year in jail, and shall sentence the person to a period of 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 " using evidence-based practices, which may include the HOPE probation program and other programs as established in chapter 16-22, and order"

On page 1, line 20, of the Introduced bill, after "any" insert " other"

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"

On page 1, line 21, of the Introduced bill, after "best;" insert " and"

On page 1, line 22, of the Introduced bill, delete " five" and insert " ten"

On page 1, line 23, of the Introduced bill, after "felony" delete "; and"

(4) If the person is an inmate of a state correctional facility, a violation is Class 6 felony"

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

MOTION: DO PASS SB 83 AS AMENDED

Moved by: Pischke
Second by: Grove
Action: Prevailed by Majority Members Elect (5-1-1-0)

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

Voting No: Hulse

Excused: Duhamel

SB 8 : establish certain criminal offenses for boat operators and to provide penalties therefor.

Presented by: Senator Casey Crabtree

Proponents: Stacy Gorman, Self, Sioux Falls
Larry Kotten, Self, Lake Madison Development Association, Madison
Alice Geraets, Self, Sioux Falls (Handout(s) HO#1)
Dan Buresh, Self, Madison
Marty Jackley, Attorney General, State of South Dakota
Sam Schelhaas, Department of Game, Fish and Parks
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls
Aaron McGowan, Self, Lake County States Attorney, Madison

Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: AMEND SB 8

8A

On page 1, line 7, of the Introduced bill, delete " reckless" and insert " negligent"

On page 1, line 13, of the Introduced bill, delete " reckless" and insert " negligent"

Moved by: Pischke

Second by: Hulse
Action: Prevailed by voice vote

MOTION: DO PASS SB 8 AS AMENDED

Moved by: Hulse
Second by: Mehlhaff
Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Grove

SB 116 : revise and repeal provisions related to street racing prohibitions and to provide a penalty therefor.

Presented by: Senator Sue Peterson

Proponents: Daniel Haggard, Self, Minnehaha County States Attorney, Sioux Falls
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Jon Thum, Self, Chief of Police Sioux Falls, Sioux Falls
Paul TenHaken, Self, Mayor of Sioux Falls, Sioux Falls
Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls
Yvonne Taylor, South Dakota Municipal League, Fort Pierre
Dianna Miller, ABATE, Sturgis
Grant Flynn, Attorney General

Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City
Rod Woodruff, Self, Sturgis

MOTION: AMEND SB 116

116A

On page 3, line 5, of the Introduced bill, after "to" insert " any of the following involving the operation of a motor vehicle on a highway"

On page 4, line 12, of the Introduced bill, delete ";

(2) The approved race, competition, contest, or exhibit is" and insert a comma

On page 4, line 16, of the Introduced bill, delete "(3)" and insert "(2)"

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

MOTION: DO PASS SB 116 AS AMENDED

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

MOTION: SUBSTITUTE MOTION: DEFER SB 116 TO THE 41ST LEGISLATIVE DAY

Moved by: Mehlhaff

Second by: Duhamel
Action: Failed by Majority Members Elect (2-5-0-0)

Voting Yes: Duhamel and Mehlhaff

Voting No: Pischke, Grove, Blanc, Hulse, and Wheeler

Revert to previous motion

THE CHAIR DEFERRED SB 116 UNTIL THURSDAY FEBRUARY 6TH

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ DAVID WHEELER
David Wheeler, Chair