

Minutes: House Judiciary

Friday, February 07, 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, FEBRUARY 05TH

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

HB 1096 : prohibit eligibility for a suspended imposition of sentence for certain rape offenses.

Presented by: Representative Mary J. Fitzgerald
Proponents: Lara Roetzel, Rapid City, Self
Opponents: Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls
Grant Flynn, Attorney General

MOTION: AMEND HB 1096

1096A

On page 1, line 21, of the Introduced bill, after "23A-27-13." insert " This section does not apply to a person adjudicated as a juvenile or a juvenile tried as an adult for a crime under subdivisions 22-22-1(2) or (3)."

Moved by: Mortenson
Second by: Soye
Action: Prevailed by roll call vote (10-3-0-0)

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

Voting No: Hughes, Pourier, and Hunt

MOTION: DO PASS HB 1096 AS AMENDED

Moved by: Reisch
Second by: Hunt
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 1096 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1091 : revise the applicability of the statute of repose for construction deficiencies.

Presented by: Representative Mike Weisgram

Proponents: Jason Smiley, AGC of SD, Pierre

Bill Van Camp, ABC, Pierre, SD

Opponents: Jessica Filler, SD Risk Management, Pierre, SD

Aaron Scheibe, Bureau of H.R. and Administration, Pierre, SD

Larry A. Nelson, South Dakota Municipal League, Fort Pierre

MOTION: DEFER HB 1091 TO THE 41ST LEGISLATIVE DAY

Moved by: Hughes

Second by: Soye

Action: Prevailed by Majority Members Elect (10-3-0-0)

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

Voting No: Mortenson, Walburg, and Roby

HB 1088 : enhance the penalty for causing death by distributing a Schedule I or II substance.

Presented by: Representative Travis Ismay

Proponents: Diana Page, Self, Brookings, SD

Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Rapid City

THE CHAIR DEFERRED HB 1088

MOTION: ADJOURN

Moved by: Hughes

Second by: Mortenson

Action: Was not acted on.

Leonard Chick, Committee Secretary

/s/ MIKE STEVENS
Mike Stevens, Chair