

Minutes: Senate Judiciary

Thursday, February 06, 2025 7:45 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, FEBRUARY 04<sup>TH</sup>**

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

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

Presented by: Senator Sue Peterson  
Others: Dianna Miller, ABATE, Sturgis

**MOTION: AMEND SB 116**

116B

On the previously adopted amendment (116A), On page 1, line 23, after "passing;" insert " or"

On the previously adopted amendment (116A), On page 1, line 24, after "vehicle" delete "; or

(c) Test the physical stamina or endurance of a driver over a long-distance driving route"

On the previously adopted amendment (116A), On page 2, line 1, delete " the" and insert " a public"

On the previously adopted amendment (116A), On page 2, line 5, after "a" insert " public"

On the previously adopted amendment (116A), On page 2, line 10, after "a" insert " public"

On the previously adopted amendment (116A), On page 2, line 11, after "contest" delete ", test of physical endurance"

On the previously adopted amendment (116A), On page 2, line 22, after "a" insert " public"

On the previously adopted amendment (116A), On page 2, line 23, after "contest" delete ", test of physical endurance"

On the previously adopted amendment (116A), On page 3, line 5, after "a" insert " public"

On the previously adopted amendment (116A), On page 3, line 10, delete "

(6) A test of physical endurance;

(7)" and insert "(6)"

On the previously adopted amendment (116A), On page 3, line 13, delete "(8)" and insert "(7)"

On the previously adopted amendment (116A), On page 3, line 14, delete "(9)" and insert "(8)"

On the previously adopted amendment (116A), On page 4, line 2, delete " driver" and insert " person"

On the previously adopted amendment (116A), On page 4, line 3, after "in" insert ", or any person from coordinating, facilitating, or collecting money incident to,"

On the previously adopted amendment (116A), On page 4, line 5, after "a" insert " public"

On the previously adopted amendment (116A), On page 4, line 9, delete " driver" and insert " person"

On the previously adopted amendment (116A), On page 4, line 9, after "or" insert " motor"

On the previously adopted amendment (116A), On page 4, line 13, after "a" insert " public"

On the previously adopted amendment (116A), On page 4, line 16, after "all" insert " public"

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

**MOTION: DO PASS SB 116 AS AMENDED**

Moved by: Blanc  
Second by: Pischke  
Action: Prevailed by Majority Members Elect (5-2-0-0)

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

Voting No: Duhamel and Mehlhaff

**SB 57 : revise presumptive probation.**

Presented by: Marty Jackley, Attorney General, State of South Dakota

Proponents: Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls  
Staci Ackerman, South Dakota Sheriffs' Association, Eureka  
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre  
Lisa Gennaro, Concerned Women for America, Alexandria, VA  
Jon Kotilnek, Governor's Office  
Chad Schlotterback, Self, Hamlin County Sheriff, Hayti

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

**MOTION: AMEND SB 57**

57A

On page 1, line 5, of the Introduced bill, after "§§" insert " 22-11-15. 5,"

On page 1, line 19, of the Introduced bill, after "under" insert " felony"

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

**MOTION: DO PASS SB 57 AS AMENDED**

Moved by: Pischke  
Second by: Mehlhaff  
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

**SB 58 :       revise provisions related to human trafficking, to prohibit the obstruction of human trafficking enforcement, and to provide a penalty therefor.**

Presented by: Marty Jackley, Attorney General, State of South Dakota  
 Proponents: 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  
 Lisa Gennaro, Concerned Women for America, Alexandria, VA  
 Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls

**MOTION:     DO PASS SB 58**

Moved by: Hulse  
 Second by: Mehlhaff  
 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 58 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 59 :       revise provisions relating to the delivery, possession with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to provide a penalty therefor.**

Presented by: Marty Jackley, Attorney General, State of South Dakota  
 Proponents: Kellie Wasko, Secretary, Department of Corrections  
 Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre  
 Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

**MOTION:     AMEND SB 59**

59B

On page 1, line 16, of the Introduced bill, delete "  
 (2) Possession of an article of indulgence is a Class 6 felony;  
 (3)" and insert "(2)"  
 On page 1, line 20, of the Introduced bill, delete "(4)" and insert "(3)"  
 On page 1, line 23, of the Introduced bill, after "felony;" delete " and"  
 On page 1, line 24, of the Introduced bill, delete "(5)" and insert "(4)"  
 On page 1, line 25, of the Introduced bill, after "felony" insert "; and  
 (5) Possession of any article, not proscribed by this section, that is not provided by or  
 authorized by the facility in any form, is a Class 6 felony"  
 On page 2, line 9, of the Introduced bill, delete "  
 (2) An article of indulgence is a Class 6 felony;  
 (3)" and insert "(2)"  
 On page 2, line 13, of the Introduced bill, delete "(4)" and insert "(3)"  
 On page 2, line 14, of the Introduced bill, after "felony;" delete " and"  
 On page 2, line 15, of the Introduced bill, delete "(5)" and insert "(4)"  
 On page 2, line 15, of the Introduced bill, after "felony" insert "; and

(5) Any article, not proscribed by this section, that is not provided by or authorized by the facility in any form, is a Class 6 felony"

On page 2, line 16, of the Introduced bill, after "felony." delete "Section 3. That a NEW SECTION be added to chapter 24-2:

"

On page 2, line 17, of the Introduced bill, after "24-2:" delete "For purposes of §§ 24-2-14 and 24-2-22, "article of indulgence" means any item that an inmate is unable to possess pursuant to the policies of the Department of Corrections."

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

**MOTION: AMEND THE PENDING AMENDMENT**

59C

On the previously adopted amendment (59B), On page 2, line 17, after "34-20B," insert " except as authorized by the Department of Corrections,"

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

**MOTION: DO PASS SB 59 AS AMENDED**

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

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

Excused: Mehlhaff

**SB 115 : revise a provision related to sexual contact with a child under eighteen.**

Presented by: Senator Joy Hohn  
Proponents: Kayla Nelson, Self, Monroe  
Chad Schlotterback, Self, Hamlin County Sheriff, Hayti  
Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

**MOTION: DO PASS SB 115**

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

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

Excused: Mehlhaff

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 115 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 99 :**      **make an appropriation for purchasing, storing, and distributing sexual assault kits.**

Presented by: Senator Tim Reed

Proponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls  
Linda Duba, Self, Sioux Falls  
Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls  
Lisa Gennaro, Concerned Women for America, Alexandria, VA  
Melissa McCauley, South Dakota Advocacy Network for Women, Sioux Falls  
Dan Kilmisch, Self, Yankton County Commission  
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre  
Jacob Parsons, South Dakota Association of Healthcare Organizations, Sioux Falls  
Christina R Young, Center for the Prevention of Child Maltreatment, Sioux Falls

Opponents: Yolanda Sung, Bureau of Finance and Management

**MOTION:      REFER SB 99 TO JOINT COMMITTEE ON APPROPRIATIONS WITH A DO PASS RECOMMENDATION**

Moved by: Pischke  
Second by: Grove  
Action:      Prevailed by Majority Members Elect (7-0-0-0)

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

**MOTION:      ADJOURN**

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

Doug Mortenson, Committee Secretary

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/s/ DAVID WHEELER  
David Wheeler, Chair