

Minutes: House Judiciary

Friday, February 21, 2025 10:00 AM

Roll Call

Present: Rep. Mortenson, Rep. Walburg, Rep. Roby, Rep. Fitzgerald, Rep. Hughes, Rep. Massie, Rep. Kull, Rep. Pourier, Rep. Hunt, Rep. Soye, and Rep. Stevens

Excused: Rep. Reisch and Rep. Reimer

The meeting was called to order by Representative Stevens

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 19TH

Moved by: Soye

Second by: Mortenson

Action: Prevailed by voice vote

HB 1250 : revise certain provisions related to proof of service of legal documents.

MOTION: TO TABLE HB 1250

Moved by: Soye

Second by: Mortenson

Action: Prevailed by Majority Members Elect (11-0-2-0)

Voting Yes: Mortenson, Walburg, Roby, Fitzgerald, Hughes, Massie, Kull, Pourier, Hunt, Soye, and Stevens

Excused: Reisch and Reimer

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

Presented by: Representative Travis Ismay

MOTION: DEFER HB 1088 TO THE 41ST LEGISLATIVE DAY

Moved by: Mortenson

Second by: Kull

Action: Failed by Majority Members Elect (6-5-2-0)

Voting Yes: Mortenson, Walburg, Roby, Massie, Kull, and Stevens

Voting No: Fitzgerald, Hughes, Pourier, Hunt, and Soye

Excused: Reisch and Reimer

MOTION: TO TABLE HB 1088

Moved by: Kull

Second by: Walburg

Action: Prevailed by Majority Members Elect (9-2-2-0)

Voting Yes: Mortenson, Walburg, Roby, Fitzgerald, Hughes, Massie, Kull, Pourier, and Stevens

Voting No: Hunt and Soye

Excused: Reisch and Reimer

HB 1115 : establish the crime of aggravated criminal entry of a motor vehicle with the intent to steal a firearm, to make offenders ineligible for presumptive probation, and to provide a penalty therefor.

Presented by: Representative Mary J. Fitzgerald

Proponents: Lara Roetzel, Self, Rapid City
Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls
Stephen Gemar, Attorney General

MOTION: AMEND HB 1115

1115B

On page 1, line 2, of the Introduced bill, after "firearm" insert " or firearm silencer"

On page 1, line 6, of the Introduced bill, after "enters" insert " or remains in"

On page 1, line 7, of the Introduced bill, after "another," delete " with the intent to deprive the owner of that property,"

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

On page 1, line 8, of the Introduced bill, after "firearm" insert " or a firearm silencer"

Moved by: Hunt

Second by: Soye

Action: Prevailed by voice vote

MOTION: DEFER HB 1115 TO THE 41ST LEGISLATIVE DAY

Moved by: Pourier

Second by: Soye

Action: Failed by Majority Members Elect (2-9-2-0)

Voting Yes: Mortenson and Pourier

Voting No: Walburg, Roby, Fitzgerald, Hughes, Massie, Kull, Hunt, Soye, and Stevens

Excused: Reisch and Reimer

MOTION: DO PASS HB 1115 AS AMENDED

Moved by: Hughes

Second by: Walburg

Action: Prevailed by Majority Members Elect (8-3-2-0)

Voting Yes: Walburg, Roby, Fitzgerald, Hughes, Massie, Kull, Hunt, and Soye

Voting No: Mortenson, Pourier, and Stevens

Excused: Reisch and Reimer

HB 1244 : make certain federal laws applicable to public employees.

Presented by: Representative Tina L. Mulally

Proponents: Jordan Mason, Self, Black Hawk
Scott Montgomery, Self, Fairview
Linda Montgomery, Self, Fairview

Opponents: Roger A. Tellinghuisen, Deadwood Gaming Association, Deadwood
Holly Farris, Board of Regents
Mike Headley, SD Science & Technology Authority
Sara Rankin, South Dakota Municipal League, Fort Pierre
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre

MOTION: DO PASS HB 1244

Moved by: Soye

Second by: Hunt

Action: Failed by Majority Members Elect (2-9-2-0)

Voting Yes: Hunt and Soye

Voting No: Mortenson, Walburg, Roby, Fitzgerald, Hughes, Massie, Kull, Pourier, and Stevens

Excused: Reisch and Reimer

MOTION: DEFER HB 1244 TO THE 41ST LEGISLATIVE DAY

Moved by: Walburg

Second by: Kull

Action: Prevailed by Majority Members Elect (9-2-2-0)

Voting Yes: Mortenson, Walburg, Roby, Fitzgerald, Hughes, Massie, Kull, Pourier, and Stevens

Voting No: Hunt and Soye

Excused: Reisch and Reimer

HB 1230 : revise provisions related to, and establish the crime of, unauthorized distribution of fentanyl and provide a penalty therefor.

Presented by: Representative John Hughes

Proponents: Mike Milstead, Minnehaha County Sherriff, Sioux Falls
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre

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

MOTION: DO PASS HB 1230

Moved by: Walburg
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (11-0-2-0)

Voting Yes: Mortenson, Walburg, Roby, Fitzgerald, Hughes, Massie, Kull, Pourier, Hunt, Soye, and Stevens

Excused: Reisch and Reimer

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1230 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Leah Splichal, Committee Secretary

/s/ MIKE STEVENS
Mike Stevens, Chair