

Minutes: House Judiciary

Wednesday, February 26, 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 TUESDAY, FEBRUARY 25TH

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

SB 123 : revise provisions related to forensic medical examinations.

Presented by: Senator Tim Reed

MOTION: DO PASS SB 123

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 SB 123 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 69 : revise provisions related to trusts.

Presented by: Terra Larson, South Dakota Trust Association, Sioux Falls (Handout(s) #1)

Proponents: Thomas Simmons, Self, Vermillion
Bret Afdahl, Department of Labor and Regulation
Dean Krogman, Independent Community of Bankers of South Dakota, Watertown
Karlton Adam, South Dakota Bankers Association, Pierre

MOTION: DO PASS SB 69

Moved by: Mortenson
Second by: Roby
Action: Prevailed by Majority Members Elect (12-0-1-0)

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

Excused: Soye

SB 83 : revise the penalty and provide treatment for the ingestion of certain controlled substances.

Presented by: Representative Brian Mulder

Proponents: Terrance Lee Dosch, South Dakota Council of Community Behavioral Health, Pierre
Steve Siegel, South Dakota Trial Lawyers Association, Pierre
Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City
Senator Tamara Grove (Handout(s) #1, #2, #3)
Ryan Kolbeck, Self, Sioux Falls

Opponents: Tom Maher, States Attorney, Fort Pierre
Brent Kempema, Attorney General
Pat West, Meade County Sheriff, Sturgis
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna Severyn, SD Police Chiefs Association, Pierre
Tom Wollman, Lincoln County State Attorney, Sioux Falls
Marty Jackley, Attorney General, State of South Dakota
Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls

Others: Greg Sattizahn, Unified Judicial System

MOTION: DEFER SB 83 TO THE 41ST LEGISLATIVE DAY

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

MOTION: SUBSTITUTE MOTION: DO PASS SB 83

Moved by: Pourier
Second by: Reisch
Action: Failed by Majority Members Elect (5-8-0-0)

Voting Yes: Reisch, Hughes, Pourier, Hunt, and Soye

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

Revert to previous motion

MOTION: DEFER SB 83 TO THE 41ST LEGISLATIVE DAY

Moved by: Kull
Second by: Reisch
Action: Failed by Majority Members Elect (6-7-0-0)

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

Voting No: Mortenson, Reisch, Reimer, Hughes, Pourier, Hunt, and Soye

MOTION: WITHOUT RECOMMENDATION SB 83

Moved by: Mortenson

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

Voting Yes: Mortenson, Reisch, Walburg, Roby, Reimer, Hughes, Kull, Pourier, Hunt, and Soye

Voting No: Fitzgerald, Massie, and Stevens

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 (Handout(s) #1, #2)
Alice Geraets, Self, Sioux Falls
Dan Buresh, Self, Madison
Sam Schelhaas, Department of Game, Fish and Parks
Aaron McGowan, Lake County States Attorney, Self, Madison
Grant Flynn, Attorney General
Jenna Severyn, SD Police Chiefs Association, Pierre
Staci Ackerman, South Dakota Sheriffs' Association, Eureka

MOTION: DO PASS SB 8

Moved by: Walburg
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

SB 140 : revise a provision related to the reimbursement of expenses incurred by a county in detaining a parolee.

Presented by: Representative Tim Reisch
Proponents: Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Craig Matson, South Dakota Association of County Commissioners, Pierre

MOTION: DO PASS SB 140

Moved by: Mortenson
Second by: Massie
Action: Prevailed by Majority Members Elect (12-0-1-0)

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

Excused: Walburg

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 140 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 37 : revise and repeal provisions related to the 911 emergency surcharge and the 911 Coordination Board.

Presented by: Jason Husby, Department of Public Safety (Handout(s) #1, #2)

Proponents: Representative Jeff Bathke
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna Severyn, SD Police Chiefs Association, Pierre
Craig Matson, South Dakota Association of County Commissioners, Pierre
Sara Rankin, South Dakota Municipal League, Fort Pierre

MOTION: DO PASS SB 37

Moved by: Hughes
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 SB 37 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Leah Splichal, Committee Secretary

/s/ MIKE STEVENS
Mike Stevens, Chair