

Committee: Senate State Affairs

Wednesday, February 05, 2020 10:00 AM

Roll Call

Present: Sen. Bolin, Sen. Brock Greenfield, Sen. Heinert, Sen. Kennedy, Sen. Langer, Sen. Novstrup, Sen. Youngberg, Sen. Klumb, and Sen. Ewing

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Ewing**

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, JANUARY 29<sup>TH</sup>**

Moved by: Klumb  
Second by: Langer  
Action: Prevailed by voice vote

**MOTION: INTRODUCE A BILL AT THE REQUEST OF THE OFFICE OF THE GOVERNOR ENTITLED:**

An Act to revise certain provisions regarding the county zoning and appeals process

Moved by: Klumb  
Second by: Langer  
Action: Prevailed by roll call vote (7-0-2-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Langer, Novstrup, Klumb, and Ewing

Excused: Kennedy and Youngberg

**SB 92 : to provide for the repurposing of STAR Academy.**

Presented by: Senator Lance Russell  
Proponents: Representative Julie Frye-Mueller  
Florence Thompson, South Dakota Citizens for Liberty  
Opponents: Mike Leidholt, Department of Corrections  
Others: Mike Lauritsen, School and Public Lands

**MOTION: DO PASS SB 92**

Moved by: Brock Greenfield  
Second by: Klumb  
Action: Prevailed by roll call vote (5-4-0-0)

Voting Yes: Bolin, Brock Greenfield, Novstrup, Klumb, and Ewing

Voting No: Heinert, Kennedy, Langer, and Youngberg

**SB 100 : regulate certain portable recording systems worn by law enforcement officers.**

Presented by: Senator Reynold Nesiba  
Proponents: David Bordewick, SD Newspaper Association

Opponents: Staci Ackerman, SD Sheriffs Association  
 Karl Jegeris, Rapid City Police Department  
 Jason Husby, Department of Public Safety  
 Paul Bachand, States Attorney Association  
 Lori Martinec, SD Police Chiefs Association

**MOTION: AMEND SB 100**

100A

On the Introduced bill, delete everything after the enacting clause and insert:

**Section 1.** There is hereby established a legislative study comprised of a total of sixteen members, with any vacancy on the study to be filled in the same manner as the original appointment, and including:

- (1) Three members of the Senate, two of whom to be members of the Republican party and one of whom to be a member of the Democrat party;
- (2) Three members of the House of Representatives, two of whom to be members of the Republican party and one of whom to be a member of the Democrat party;
- (3) The attorney general;
- (4) One member from the South Dakota Sheriff's Association;
- (5) One member from the South Dakota Police Chiefs' Association;
- (6) One member of tribal law enforcement;
- (7) One member from the Unified Judicial System;
- (8) One member of the American Civil Liberties Union of South Dakota;
- (9) One member who is a representative of the South Dakota Broadcasters Association;
- (10) One member who is a representative of the South Dakota Newspapers Association;
- (11) One member who is a public defender; and
- (12) One member who is an expert in data storage and retention.

**Section 2.** The legislative study established under section 1 of this Act shall study and evaluate:

- (1) Use of portable recording systems;
- (2) Storage and retention of data generated by portable recording systems, whether by an entity or third-party;
- (3) Inspection and release of data generated by portable recording systems, whether by an entity or third-party;
- (4) Use of portable recording systems in conjunction with other technologies, including facial recognition technology and redaction technology;
- (5) Procedures for the preservation, use, inspection, and release of portable recording system data that:
  - (a) Documents the use of force by a law enforcement officer;
  - (b) Documents potential civil and criminal actions against a law enforcement officer;
  - (c) May result in disciplinary actions against a law enforcement officer; or
  - (d) May be used as evidence against a member of the public in a criminal or civil action; and
- (6) Any cost or fee associated with the:
  - (a) Purchase, upkeep, and maintenance of portable recording systems;
  - (b) Storage of data; or
  - (c) Inspection or disclosure of data; and

- (7) Any policy associated with the:
  - (a) Use of data for internal training purposes;
  - (b) Sharing of data with an entity who did not generate the data;
  - (c) Use of data by law enforcement officers for assistance in completing any reports, statements, or interviews;
  - (d) Upkeep, maintenance, and replacement of equipment to ensure continuity of use in the field and secure storage;
  - (e) Use of data for evidentiary purposes;
  - (f) Violations of any policies or laws regarding portable recording systems;
- (8) Any technical specifications for:
  - (a) Portable recording systems; or
  - (b) Data retention, security, and storage;
- (9) Any decision-making process or appeals process for the inspection, review, disclosure, or release of data; and
- (10) State and local funding options for portable recording systems or data storage.

**Section 3.** The legislative study established under section 1 of this Act shall report to the Legislature and the Governor before the beginning of the Ninety-Sixth Legislative Session, including any draft legislation or policy recommendations.

**Section 4.** The legislative study established under section 1 of this Act shall be under the supervision of the Executive Board of the Legislative Research Council and staffed and funded as an interim legislative committee.

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Moved by: Brock Greenfield  
 Second by: Heinert  
 Action: Prevailed by roll call vote (6-3-0-0)

Voting Yes: Brock Greenfield, Heinert, Kennedy, Novstrup, Klumb, and Ewing

Voting No: Bolin, Langer, and Youngberg

**MOTION: DEFER SB 100 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Klumb  
 Second by: Bolin  
 Action: Prevailed by roll call vote (7-2-0-0)

Voting Yes: Bolin, Brock Greenfield, Langer, Novstrup, Youngberg, Klumb, and Ewing

Voting No: Heinert and Kennedy

**MOTION: ADJOURN**

Moved by: Klumb  
 Second by: Youngberg  
 Action: Prevailed by voice vote

Mary Beth Fravel, Committee Secretary

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 /s/ BOB EWING  
 Bob Ewing, Chair