

Committee: Senate Judiciary

Thursday, February 06, 2020 8:00 AM

Roll Call

Present: Sen. Blare, Sen. Novstrup, Sen. Schoenbeck, Sen. Stalzer, Sen. Kennedy,
Sen. Rusch, and Sen. Russell

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Russell

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 04TH

Moved by: Kennedy
Second by: Stalzer
Action: Prevailed by voice vote

MOTION: AMEND SB 80

80A

On page 1, line 9, of the Introduced bill, delete "If actual travel is made in collecting taxes, the " and insert "The "

On page 1, line 10, of the Introduced bill, after "penalty, " delete "in lieu of mileage,"

On page 1, line 11, of the Introduced bill, after "fifteen " insert "fifty dollars or "

On page 1, line 11, of the Introduced bill, after "due" insert ", whichever is more"

On page 1, line 14, of the Introduced bill, after "law." delete " However, the sheriff is not allowed mileage for collecting taxes within the corporate limits of the county seat."

On page 1, line 16, of the Introduced bill, after "seat." insert "

Section 2. That § 10-56-22 be AMENDED:

10-56-22. Sheriff's Fees--Costs--Collection of taxes.

The sheriff shall collect the following fees for collecting taxes: twenty-five dollars for making the sheriff's return on the sheriff's warrant of authority; ~~fifteen~~ fifty dollars for each levy; ~~ten dollars for each sale;~~ and the necessary costs of distress and sale. The fees and costs shall be collected from the tax debtor or the tax debtor's property. ~~If actual travel is made in collecting taxes, the~~ The sheriff shall also collect from the tax debtor or the tax debtor's property an additional penalty, ~~in lieu of mileage,~~ equal to ~~fifteen-fifty dollars or six~~ percent of the amount of tax and interest due, ~~which, with all, whichever is more.~~ All fees and costs collected, shall be credited to the general fund of the county.

"

Moved by: Kennedy
Second by: Stalzer
Action: Prevailed by voice vote

SB 80 : **revise certain sheriff's fees and costs.**

Presented by: Senator Lee Schoenbeck

Proponents: Ryker Tieszen, SD Sheriff's Association, Pierre, SD
Timothy Walburg, Lake County Sheriff's Office, Madison, SD
Ryan Qualseth, Minnehaha Co, Sioux Falls, SD

MOTION: DO PASS SB 80 AS AMENDED

Moved by: Schoenbeck
 Second by: Blare
 Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Blare, Novstrup, Schoenbeck, Stalzer, Kennedy, Rusch, and Russell

MOTION: AMEND SB 64

64B

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

"

Section 1. That § 23A-27A-3 be AMENDED:

23A-27A-3. Jury to determine existence of mitigating or aggravating circumstances--
 Instructions to jury.

Upon the conclusion of the evidence, the judge shall give the jury appropriate instructions.

After arguments of counsel, the jury shall retire to determine whether any ~~mitigating or~~ aggravating circumstances, as defined in § 23A-27A-1, exist and, if so, whether sufficient circumstances exist to mitigate against imposition of a death sentence. Mitigating circumstances include:

- (1) The defendant has no significant history of prior criminal conduct;
- (2) The defendant was afflicted with a mental disability or mental illness;
- (3) The defendant was under the influence of mental or emotional disturbance;
- (4) The defendant's inability to appreciate the criminality of their conduct or if the defendant's ability to conform their conduct to the requirements of the law was substantially impaired;
- (5) The defendant's age at the time of the crime;
- (6) The defendant acted under duress, though not such duress as to constitute a defense to prosecution, or acted under the domination of another person;
- (7) The victim was a participant in the homicidal conduct or consented to the homicidal acts;
- (8) The defendant's participation in the homicidal conduct was relatively minor;
or
- (9) Any other evidence of a mitigating nature concerning the defendant's character or record and the circumstances of the offense.

The existence of one or more mitigating factors shall be considered together with all the other facts and circumstances of the case, including aggravating circumstances, in determining whether to impose a death sentence. The instructions as determined by the trial judge to be warranted by the evidence shall be given in ~~his~~ the judge's charge and in writing to the jury for its deliberation.

"

Moved by: Kennedy
 Second by: Novstrup
 Action: Prevailed by voice vote

SB 64 : prohibit capital punishment for any person suffering from a severe mental illness.

Presented by: Senator Arthur Rusch

Proponents: Steve Manlove, Self, Rapid City, SD
 Phyllis Arends, Self, Sioux Falls, SD
 Opponents: John Fitzgerald, State's Attorney, Deadwood, SD
 Lara Roetzel, Pennington Co, SD

THE CHAIR DEFERRED SB 64 UNTIL THURSDAY, FEBRUARY 20TH 2020

THE CHAIR DEFERRED SB 126

SB 98 : extend the notification period for possession of a concealed pistol in the state capitol.

Presented by: Senator Jim Stalzer

MOTION: AMEND SB 98

98B

On page 2, line 2, of the Introduced bill, delete "The Except as otherwise provided in subsection (d), the notification required by this subdivision includes :

- (i) Includes the date on which or the range of dates during which the person intends to possess a concealed pistol in the state capitol, provided the range of dates may not exceed thirty consecutive days; and
- (ii) May be renewed as necessary and without limit;
- (d) The In the case of a person who meets the requirements of subsections (a) and (b) of this subdivision and is in possession of a state capitol access control card, the notification required by the this subdivision may be renewed, as necessary and without limit includes the date on which or the range of dates during which the person intends to possess a concealed pistol in the state capitol, provided the range of dates may not extend beyond December thirty-first of each year" and insert " The notification required under this subdivision:
- (i) Includes the date on which or the range of dates during which the person intends to possess a concealed pistol in the state capitol, provided the range of dates may not extend beyond December thirty-first of each year;
- (ii) The notification may be renewed, as necessary and without limit"

Moved by: Schoenbeck
 Second by: Blare
 Action: Prevailed by voice vote

MOTION: DO PASS SB 98 AS AMENDED

Moved by: Stalzer
 Second by: Blare
 Action: Prevailed by Majority Members Elect (5-2-0-0)

Voting Yes: Blare, Novstrup, Schoenbeck, Stalzer, and Russell

Voting No: Kennedy and Rusch

MOTION: ADJOURN

Moved by: Blare
 Second by: Stalzer
 Action: Prevailed by voice vote

Rachael Person, Committee Secretary

/s/ LANCE RUSSELL
Lance Russell, Chair