

Committee: House Judiciary

Friday, February 07, 2020 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Borglum, Rep. Diedrich, Rep. Hammock, Rep. Pischke, Rep. Rasmussen, Rep. Reimer, Rep. St. John, Rep. Cwach, Rep. Johns, and Rep. Hansen

Excused: Rep. Latterell and Rep. Pourier

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 05TH

Moved by: Barthel

Second by: Hammock

Action: Prevailed by voice vote

HB 1164 : codify legislation enacted in 2019.

Presented by: Wenzel Cummings, LRC

MOTION: DO PASS HB 1164

Moved by: Barthel

Second by: Cwach

Action: Prevailed by roll call vote (11-0-2-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Pischke, Rasmussen, Reimer, St. John, Cwach, Johns, and Hansen

Excused: Latterell and Pourier

HB 1067 : modify certain provisions regarding notice, service, and execution of judgments.

Presented by: Representative Tim Reed

Proponents: Dean Krogman, SDMHA, Brookings, SD
Denise Hanzlak, SDMHA, Dell Rapids, SD (Handout(s) 1)
Amy Miller, SDMHA, Sioux Falls, SD
Amy Ibis, SDMHA, Sioux Falls, SD
Katie Sieverding,SDMH, Pierre, SD
Dick Tiezen, SD Sheriffs Asso. Pierre, SD
Joe Bosman, Minnehaha County, Sioux Falls, SD

MOTION: AMEND HB 1067

1067E

On page 1, line 13, of the Introduced bill, after "sheriff" insert ", any person legally authorized to effect service under § 15-6-4(c),"

On page 1, line 14, of the Introduced bill, delete " four" and insert " two"

On page 1, line 15, of the Introduced bill, delete "six hours " and insert "one week "
On page 1, line 15, of the Introduced bill, delete " all four" and insert " both"
On page 1, line 17, of the Introduced bill, delete "fourth " and insert "second "
On page 2, line 2, of the Introduced bill, delete "five " and insert "fourteen "
On page 2, line 12, of the Introduced bill, after "costs." delete "Section 5. That § 21-16-12 be
AMENDED:

21-16-12. Possession--Execution.

An execution for possession shall occur within five days of a judgment for a plaintiff under § 21-16-10.
If a lessee, subtenant, or party in possession fails to answer or appear, an execution of possession shall occur within two days. No execution for possession can be served except in the daytime."

Moved by: Diedrich
Second by: Borglum
Action: Prevailed by voice vote

MOTION: DO PASS HB 1067 AS AMENDED

Moved by: Johns
Second by: Barthel
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Johns, and Hansen

Excused: Pourier

HB 1086 : repeal certain fees charged by a clerk of courts.

Presented by: Greg Sattizahn, Unified Judicial System (Handout(s) 1)

MOTION: DO PASS HB 1086

Moved by: Borglum
Second by: Pischke
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Johns, and Hansen

Excused: Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1086 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1088 : create a penalty for violation of a vulnerable adult protection order.

Presented by: Greg Sattizahn, Unified Judicial System
Proponents: Eric Nelson, AARP, Sioux Falls, SD
Charlie McGuigan, SD Office of the Attorney General
Kimberly Zachrisson, Attorney General Office, Pierre SD

THE CHAIR DEFERRED HB 1088

HB 1089 : provide for the discharge of certain persons who received a suspended imposition of sentence for a misdemeanor.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1089

Moved by: Borglum
Second by: Diedrich
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Johns, and Hansen

Excused: Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1089 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1206 : revise certain provisions regarding the commitment of a delinquent child to the Department of Corrections.

Presented by: Representative Kevin Jensen

Proponents: Greg Sattizahn, Unified Judicial System
Kristi Bunkers, Department of Corrections
Dianna Miller, Large School Group
Charlie McGuigan, SD Office of the Attorney General
Paul Bachand, States Attorney Association
Staci Ackerman, SD Sheriffs Association
Lori Martinec, SD Police Chiefs Association
Others: Justin Bell, SD Association of Criminal Defense Lawyers

MOTION: DO PASS HB 1206

Moved by: Barthel
Second by: Johns
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Johns, and Hansen

Excused: Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1206 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1207 : extend the termination date for the Juvenile Justice Public Safety Oversight Council.

Presented by: Representative Kevin Jensen

Proponents: Dianna Miller, Large School Group
Greg Sattizahn, Unified Judicial System
Kristi Bunkers, Department of Corrections

MOTION: DO PASS HB 1207

Moved by: Diedrich
Second by: Barthel
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Pischke, Rasmussen, Reimer,
St. John, Cwach, Johns, and Hansen

Excused: Pourier

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1207 AS
UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT
CALENDAR.**

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair