

Committee: House Judiciary

Wednesday, March 04, 2020 10:00 AM

Roll Call

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

Excused: Rep. Latterell, Rep. St. John, and Rep. Pourier

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, MARCH 02ND

Moved by: Barthel

Second by: Pischke

Action: Prevailed by voice vote

MOTION: Motion was made for a 2/3 voice vote to hear SB 96. The bill was added late to the agenda and therefore revised on 3/3/20.

Moved by: Barthel

Second by: Pischke

Action: Prevailed by voice vote

SB 25 : establish certain requirements to maintain state compliance with the Master Settlement Agreement.

Presented by: Jason Ravensborg, Attorney General, State of South Dakota

Proponents: Jason Evans, Department of Revenue

MOTION: DO PASS SB 25

Moved by: Hammock

Second by: Johns

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

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

Excused: Latterell and Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 25 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 47 : revise certain provisions regarding sex offender registration statutes.

Presented by: Jason Ravensborg, Attorney General, State of South Dakota

Proponents: Dianna Miller, South Dakota Network Against Family Violence

Lori Martinec, SD Police Chiefs Association

Opponents: Doug Abraham, South Dakota Association of Criminal Defense Lawyers

MOTION: DO PASS SB 47

Moved by: Barthel
Second by: Hammock
Action: Prevailed by Majority Members Elect (11-1-1-0)

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

Voting No: Cwach

Excused: Latterell

SB 73 : exempt certain persons from the requirement to publish name changes.

Presented by: Senator Jeff Monroe
Proponents: Jason Ravnsborg, Attorney General, State of South Dakota
Tess Franzen,, Freedom Journey, Rapid City, SD
Dianna Miller, South Dakota Network Against Family Violence
Kelly Patterson, Treasured Life, - Call -in

MOTION: DO PASS SB 73

Moved by: Diedrich
Second by: Hammock
Action: Prevailed by Majority Members Elect (10-1-2-0)

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

Voting No: Johns

Excused: Borglum and Latterell

SB 27 : establish a missing persons clearinghouse.

Presented by: Jason Ravnsborg, Attorney General, State of South Dakota

MOTION: DO PASS SB 27

Moved by: Hammock
Second by: Pischke
Action: Prevailed by Majority Members Elect (10-0-3-0)

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

Excused: Borglum, Diedrich, and Latterell

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 27 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 6 : revise certain conditions under which presumptive probation may be applied.

Presented by: Jason Ravensborg, Attorney General, State of South Dakota
Staci Ackerman, SD Sheriffs Association

Lori Martinec, SD Police Chiefs Association

Aaron Scheibe, South Dakota State's Attorneys Association

Opponents: Eric Witcher, Pennington County Public Defender, Rapid City, SD
Doug Abraham, South Dakota Association of Criminal Defense Lawyers
David Safavian, General Counsel for the American Conservative Union, Call-

in
Don Hagggar, Americans for Prosperity

Dan Nelson, American Civil Liberties Union

Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls, SD

MOTION: DO PASS SB 6

Moved by: Hammock

Second by: Barthel

Action: Failed by Majority Members Elect (6-7-0-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Rasmussen, and Hansen

Voting No: Latterell, Pischke, Reimer, St. John, Cwach, Pourier, and Johns

MOTION: DEFER SB 6 TO THE 41ST LEGISLATIVE DAY

Moved by: Pischke

Second by: Cwach

Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Diedrich, Latterell, Pischke, Reimer, St. John, Cwach, Pourier, and Johns

Voting No: Barthel, Borglum, Hammock, Rasmussen, and Hansen

SB 136 : authorize certain witnesses to be accompanied by a certified therapeutic dog in a criminal proceeding.

Presented by: Senator Deb Soholt

Proponents: Roxanne Hammond, Hughes County State's Attorney, self (Handout(s) 5)

Aaron Scheibe, South Dakota State's Attorneys Association

Sadie Stevens, Unified Judicial System

Caroline Hansen, self, Mitchell, SD

MOTION: DO PASS SB 136

Moved by: Hammock

Second by: Latterell

Action: Prevailed by Majority Members Elect (12-0-1-0)

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

Excused: St. John

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 136 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 96 : prohibit the denial of benefits based solely on a controlled substance felony.

Presented by: Representative Erin Healy

Proponents: Senator Lee Schoenbeck
Senator Reynold Nesiba (Handout(s) 2)
Jessica, self, Watertown, SD
Cathy Brechtelsbauer, self, Sioux Falls (Handout(s) 2)
Terry Dosch, SD Council of Community Behavioral Health
Justin Bell, SD Association of Criminal Defense Lawyers
Matt Walz, Keystone Treatment Center, Sioux Falls, SD
Sister Welbig, Presentation Sisters, Sioux Falls, SD

MOTION: DO PASS SB 96

Moved by: Barthel

Second by: Latterell

Action: Prevailed by Majority Members Elect (12-1-0-0)

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

Voting No: Hammock

SB 89 : revise provisions regarding victim's rights.

Presented by: Senator Arthur Rusch (Handout(s) 2)

MOTION: DO PASS SB 89

Moved by: Barthel

Second by: Rasmussen

Action: Prevailed by Majority Members Elect (12-0-1-0)

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

Excused: Borglum

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 89 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 44 : authorize the use of crime victims' compensation funds to reimburse law enforcement for certain emergency expenses incurred for victims.

Presented by: Dan Lusk, Department of Public Safety

Proponents: Dianna Miller, South Dakota Network Against Family Violence

Dick Tieszen, South Dakota Sheriffs' Association
Lori Martinec, SD Police Chiefs Association

MOTION: DO PASS SB 44

Moved by: Hammock
Second by: Barthel
Action: Prevailed by Majority Members Elect (11-0-2-0)

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

Excused: Borglum and Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 44 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 71 : revise the offenses for which an order for interception of communications may be granted.

Presented by: Senator Helene Duhamel (Handout(s) 7)
Proponents: Dick Tieszen, South Dakota Sheriffs' Association
Lori Martinec, SD Police Chiefs Association

MOTION: DO PASS SB 71

Moved by: Johns
Second by: Diedrich
Action: Prevailed by Majority Members Elect (12-0-1-0)

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

Excused: Borglum

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair