

Committee: 73 A

Wednesday, March 11, 2020 10:30 AM

Roll Call

Present: Rep. Barthel, Rep. Cwach, Rep. Johns, Sen. Duhamel, Sen. Foster, and Sen. Monroe

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Monroe

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

Proponents: Dianna Miller, South Dakota Network Against Family Violence

MOTION: AMEND SB 73

73E

On page 1, line 8, of the House bill, delete "(1) It appears from the pleadings that the petitioner has been a resident of the county in which the petition is filed for at least six months;
(2) The petitioner is a victim of human trafficking;
(3) That sufficient basis exists to grant an exception to §§ 21-37-4 and 21-37-5;
(4) That the pleadings disclose if the petitioner has a protection order or restraining order;
(5) It appears to the court that the name change is in the petitioner's best interests; and
(6) The court finds that the name change is not done for the purposes of fraud."
and insert "(1) The petitioner is over the age of eighteen years or is a guardian of a minor child;
(2) The petitioner or minor child has resided in the county in which the petition is filed for at least six months;
(3) (a) The petitioner or minor child is a victim of human trafficking and has a particularized need for a change of name to protect them from a person who victimized them such that there is a sufficient basis to grant an exception to the requirements of §§ 21-37-4 and 21-37-5; or
(b) The petitioner is an adult, is a victim of domestic abuse, has a protection order or a restraining order in effect, and the petitioner shows a particularized need for a change of name to protect the petitioner from the perpetrator such that there is a sufficient basis to grant an exception to the requirements of §§ 21-37-4 and 21-37-5;
(4) It appears to the court that the name change is in the petitioner's or minor child's best interests; and
(5) The court finds that the name change is not done for the purposes of fraud."
"

Moved by: Johns
Second by: Cwach
Action: Prevailed by roll call vote (6-0-0-0)

Voting Yes: Barthel, Cwach, Johns, Duhamel, Foster, and Monroe

MOTION: DO CONCUR IN AMENDMENTS TO SB 73

Moved by: Johns
Second by: Cwach
Action: Prevailed by Majority Members Elect (6-0-0-0)

Voting Yes: Barthel, Cwach, Johns, Duhamel, Foster, and Monroe

MOTION: ADJOURN

Moved by: Johns
Second by: Duhamel
Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JEFF MONROE
Jeff Monroe, Chair

/s/ TIMOTHY R. JOHNS
Timothy R. Johns, Chair