



Legislative
Research
Council

MINUTES

Criminal Code Revision Commission

Third Meeting
2004 Interim
Tuesday and Wednesday, August 24-25, 2004

LCR 1 & 2
State Capitol Building
Pierre, South Dakota

The third meeting of the interim Criminal Code Revision Commission was called to order by Senator Lee Schoenbeck, Chair, at 8:00 a.m. on Tuesday, August 24, 2004, in Legislative Conference Rooms 1 and 2 of the State Capitol Building in Pierre, South Dakota.

A quorum was established with the following members present: Senator Lee Schoenbeck (Chair); Representatives Joni Cutler, Richard Engels, Thomas Hennies (Vice-Chair), Sean O'Brien, and Tim Rave; Messrs. Mike Butler, Jeff Larson, Charlie McGuigan, Robert A. Miller, Dave Nelson, and Tim Tucker. Unable to attend the meeting were Senators Patricia de Hueck and Gil Koetzle. Representative Tim Rounds attended the meeting on Wednesday only.

Staff members present included Reuben Bezpaletz, Chief Analyst for Research and Legal Services; Annie Mehlhaff, Principal Fiscal Analyst; Jacquelyn Storm, Principal Legislative Attorney; and Kris Schneider, Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council. For the purpose of continuity, these minutes are not necessarily in chronological order.

Minutes

COMMISSIONER CUTLER MOVED, SECONDED BY COMMISSIONER RAVE, THAT THE MINUTES OF THE JULY 29-30, 2004, MEETING BE APPROVED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Amend Agenda

COMMISSIONER HENNIES MOVED, SECONDED BY COMMISSIONER CUTLER, TO AMEND THE AGENDA TO MEET FROM 7 P.M. TO 9 P.M. THIS EVENING TO DISCUSS JUDGE TUCKER'S REPORT ON LESSER INCLUDED OFFENSES AND TO GIVE THE SUBCOMMITTEES MORE TIME TO WORK. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Staff Remarks

Mr. Bezpaletz distributed additional correspondence (**Documents 1 & 2**) and asked the commission to place them behind Tab 2 in their notebook (Item No. 15 & 16, pages 72-75). Additional correspondence from Commissioner Cutler and Commissioner Nelson were distributed later in the meeting (**Documents 3, 4, 5, 6, & 7**) for placement behind Tab 2 (Item No. 17, 18, 19, & 20, pages 76-85). Mr. Bezpaletz stated that he has received a lot of legislative interest, all very positive, regarding the workings of the commission.

Sex Offender Registry

Mr. Bezpaletz stated that because the sex offender registry is a contentious and complicated issue, the Attorney General's office had been invited to speak to the full commission on the topic. An example of the Aberdeen Police Department's sex registry Web site was viewed.

Ms. Pat Archer, Assistant Attorney General, provided background information on the sex offender registry. She reviewed and distributed a checklist that the Bureau of Justice created that is used to determine state compliance with the Jacob Wetterling Act (**Document 8**). She stated that the Jacob Wetterling Act and Megan's Law are minimum federal standards for the receipt of Burns monies. She stated that as of August 3, 2004, South Dakota had 1,610 total registrants. Following a brief discussion, Chair Schoenbeck drafted a letter to Ms. Archer regarding various questions on the sex offender registry (**Document 9**).

The commission recessed at 9:15 a.m. to break into subcommittees.

Wednesday, August 25, 2004

The commission reconvened at 12:08 p.m. on Wednesday, August 25, 2004, in Legislative Conference Rooms 1 and 2.

Next Meeting Dates

Chair Schoenbeck set the third meeting for Thursday and Friday, September 30 and October 1. He stated that the full commission will meet first to discuss the following issues that will impact the subcommittee work:

- penalties;
- protection orders (where they belong in the Code);
- response from the Attorney General's office to a letter sent on the sex offender registry;
- input from the Attorney General's office on federal restrictions on gun ownership; and
- habitual offender statutes.

The remainder of the third meeting will be reserved for subcommittee work.

Chair Schoenbeck set the fourth meeting for Tuesday and Wednesday, November 30 and December 1. He tentatively plans to hold public testimony on November 30.

Adjournment

There being no further business, Chair Schoenbeck adjourned the meeting at 12:14 p.m.



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