



# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

555C0047

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1003** - 1/25/99

Introduced by: Representatives McNenny, Broderick, Chicoine, Cutler, Diedrich (Larry),  
Monroe, Napoli, Pummel, Smidt, and Waltman and Senators Dennert, Brosz,  
Madden, and Olson at the request of the Interim Taxation Committee

1 FOR AN ACT ENTITLED, An Act to provide for the recovery of certain expenses in an action  
2 brought to court by any governmental subdivision relative to the assessment of property.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-11 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The circuit court shall award disbursements, including attorneys' fees, in an action brought  
7 to circuit court pursuant to chapter 10-11 by any governmental subdivision relative to the  
8 assessment of property, if the governmental subdivision does not prevail in its appeal of the  
9 property assessment.

10 Section 2. That chapter 10-11 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 On motion, the Supreme Court may award reasonable attorneys' fees in an action brought  
13 to the Supreme Court pursuant to chapter 10-11 by any governmental subdivision relative to the  
14 assessment of property, if the governmental subdivision does not prevail in its appeal of the  
15 property assessment. The motion shall be accompanied by counsel's verified itemized statement

1 of costs incurred and legal services rendered.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Judiciary. H.J. 32

3 1/22/99 Scheduled for Committee hearing on this date.

4 1/22/99 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 122

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0209

## HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO.

### HB1040 - 1/22/99

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to repeal certain restrictions regarding the hunting of black  
2 bears, mountain lions, and wolves and to establish civil damages for the unlawful taking of  
3 mountain lions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 41-8-2.1 be repealed.

6 ~~41-8-2.1. No person may hunt, kill, or capture black bears, mountain lions and wolves in~~  
7 ~~South Dakota, except pursuant to § 41-6-29. A violation of this section is a Class 2~~  
8 ~~misdemeanor.~~

9 Section 2. That § 41-1-5.1 be amended to read as follows:

10 41-1-5.1. Any person other than a minor under the age of sixteen years who willfully and  
11 unlawfully kills, destroys, takes, or possesses in this state any animal designated by this section  
12 is liable to the state for damages, which are five thousand dollars for each elk, mountain lion, or  
13 buffalo; ten thousand dollars for each mountain goat or mountain sheep; one thousand dollars  
14 for each deer, antelope, or bobcat. However, the return uninjured of the big game animal to the  
15 place where captured, or to such other place as the Department of Game, Fish and Parks may

1 direct, ~~shall constitute~~ constitutes a discharge of such damages. However, the provisions of this  
2 section do not apply to any person, who, after providing written notice received by the  
3 Department of Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions to  
4 protect the person's land, livestock, or crops from serious and extraordinary damages caused by  
5 elk, deer, ~~or antelope,~~ or mountain lion.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Agriculture and Natural Resources. H.J. 39

3 1/21/99 Scheduled for Committee hearing on this date.

4 1/21/99 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 13, NAYS 0.

5 H.J. 104

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

754C0375

## HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HCR1002** - 1/25/99

Introduced by: Representatives Hunt, Apa, Brooks, Crisp, Derby, Diedrich (Larry), Duenwald, Fiegen, Fryslie, Jaspers, Klaudt, McCoy, Napoli, Sutton (Daniel), and Windhorst and Senators Ham, Kloucek, Lange, Madden, Olson, Staggers, and Vitter

1 A CONCURRENT RESOLUTION, Endorsing and supporting international freedom from  
2 persecution for religious beliefs.

3 WHEREAS, the right of freedom of religion undergirds the very origin and existence of the  
4 United States, since many of our Nation's founders, from John Winthrop to Roger Williams to  
5 William Penn, fled religious persecution abroad in order to establish in law, as a fundamental  
6 right and as a pillar of our Nation, the right to freedom of religion; and

7 WHEREAS, from its birth to this day, the United States has prized this legacy of religious  
8 freedom and honored this heritage by standing for religious freedom and offering refuge to those  
9 suffering religious persecution; and

10 WHEREAS, freedom of religious belief and practice is a universal human right and  
11 fundamental freedom articulated in numerous international instruments, including the Universal  
12 Declaration of Human Rights, the International Covenant on Civil and Political Rights, the  
13 Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and  
14 Discrimination Based on Religion or Belief, the United Nations Charter, and the European  
15 Convention for the Protection of Human Rights and Fundamental Freedoms; and

1 WHEREAS, the right to freedom of religion is under renewed and, in some cases, increasing  
2 assault in many countries around the world; and

3 WHEREAS, it is even more abhorrent that religious believers in many countries face such  
4 severe and violent forms of religious persecution as detention, torture, beatings, forced marriage,  
5 rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in,  
6 change of, or practice of their faith; and

7 WHEREAS, in many countries, religious believers are forced to meet secretly, and religious  
8 leaders are targeted by national security forces and hostile mobs; and

9 WHEREAS, though not confined to a particular region or regime, religious persecution is  
10 often particularly widespread, systematic, and heinous under totalitarian governments and in  
11 countries with militant, politicized religious majorities; and

12 WHEREAS, persecution of religious believers around the world has emerged as one of the  
13 most compelling human rights issues of the day, in particular, the worldwide persecution and  
14 martyrdom of Christians persists at alarming levels, which is an affront to the international moral  
15 community and to all people of conscience; and

16 WHEREAS, Chinese Christians and Tibetan Buddhists are now experiencing the worst  
17 persecution at the hands of the Chinese government since the 1970s; and

18 WHEREAS, severe persecution of people for their religious beliefs is also occurring in North  
19 Korea, Cuba, Vietnam, Indonesia, including East Timor, and in certain countries in the Middle  
20 East and the former Soviet Union, to name only a few; and

21 WHEREAS, the militant Muslim government of Sudan is waging what its leader had  
22 described as a jihad, or religious war, against Christian and other non-Muslim citizens in the  
23 southern part of the country, enforcing Islamic Shari'a law against non-Muslim African Sudanese,  
24 torturing, starving, killing, and displacing over one million people, and enslaving tens of  
25 thousands of women and children; and

1 WHEREAS, historically, the United States has in many instances failed to intervene  
2 successfully to stop anti-Christian and other religious persecution; and

3 WHEREAS, in the past, the United States has forcefully taken up the cause of other  
4 persecuted religious believers and the United States should continue to intervene on behalf of  
5 persecuted religious believers throughout the world:

6 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-  
7 fourth Legislature of the State of South Dakota, the Senate concurring therein, that the  
8 Legislature urges the United States to:

- 9 (1) Condemn violations of religious freedom, and to promote, and to assist other  
10 governments in the promotion of, the fundamental right to freedom of religion; and
- 11 (2) Seek to channel United States security and development assistance to governments  
12 other than those found to be engaged in gross violations of the right to freedom of  
13 religion, as set forth in the Foreign Assistance Act of 1961, in the International  
14 Financial Institutions Act of 1977, and in other formulations of United States human  
15 rights policy; and
- 16 (3) Work with foreign governments that affirm and protect religious freedom, in order to  
17 develop multilateral documents and initiatives to combat violations of religious  
18 freedom and promote the right to religious freedom abroad; and

19 BE IT FURTHER RESOLVED, that, in accordance with the provisions of the International  
20 Religious Freedom Act of 1998, that Senator Thomas Daschle, as Senate Minority Leader,  
21 together with other members of the South Dakota delegation, recommend to the President of the  
22 United States the appointment of members of uncompromising opposition towards religious  
23 persecution to the newly created commission on religious persecution, created by the  
24 International Religious Freedom Act of 1998.

1 **BILL HISTORY**

2 1/22/99 Scheduled for Committee hearing on this date.

3 1/22/99 State Affairs Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 123

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0201

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB17** - 1/16/99

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the notification of  
2 victims of crime.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-15-8.1 be amended to read as follows:

5 24-15-8.1. The victim may request in writing to be notified by the Board of Pardons and  
6 Parole when an inmate who was convicted of committing the crime is granted parole or the  
7 inmate's parole is revoked. The board shall send the notice by first class mail to the address  
8 provided by the victim. However, the board is not liable for any damages to the victim if it fails  
9 to mail the notice.

10 Section 2. That § 24-15-8.2 be amended to read as follows:

11 24-15-8.2. The victim or the sentencing judge may request in writing to be notified by the  
12 Department of Corrections if the inmate who was convicted of committing the crime escapes or  
13 is released from the penitentiary, or placed on regularly scheduled furlough or work release  
14 pursuant to chapter 24-2, 24-4, or 24-5, or is returned from escape or removed from work  
15 release. The Department of Corrections may either telephone the victim or the sentencing judge  
16 or send the notice by first class mail to the address provided by the victim or the sentencing

1 judge. However, the Department of Corrections is not liable for any damages to the victim or  
2 the sentencing judge if it fails either to notify the victim or the sentencing judge by telephone or  
3 to mail the notice.

4 Section 3. That § 24-15A-22 be amended to read as follows:

5 24-15A-22. The victim may request in writing to be notified by the board when an inmate  
6 who was convicted of committing the crime is released on parole or the inmate's parole is  
7 revoked. The board shall send the notice by first class mail to the address provided by the victim.  
8 However, the board is not liable for any damages to the victim if it fails to mail the notice.

9 Section 4. That § 23A-28C-2 be amended to read as follows:

10 23A-28C-2. At the commencement of a criminal proceeding subject to the terms of this  
11 chapter, the prosecutor, by first class mail, shall advise the victim of the rights set forth in this  
12 chapter. In order to take advantage of such rights, the victim shall advise the prosecutor of the  
13 desire to participate. A victim may choose to participate only in certain enumerated phases of  
14 the proceedings. A victim wishing to participate shall advise the prosecutor or the Department  
15 of Corrections of the place where notifications required under this chapter are to be made, and  
16 of any changes in the place of notification. A prosecutor receiving notification of a victim's wish  
17 to participate shall keep record of that notification and most recent place of notification through  
18 the time of the defendant's final discharge from the criminal justice system. If the defendant is  
19 sentenced to the state prison system, the prosecutor shall forward the information to the  
20 Department of Corrections and the Department of Corrections shall keep record of the request  
21 for notification and the most recent place of notification until the defendant's final discharge from  
22 prison and parole. The request for notification and the place of notification is confidential and  
23 may not be disclosed to the defendant.

24 Section 5. That § 23A-28C-5 be amended to read as follows:

25 23A-28C-5. Any institution under the control of the Department of Corrections or the

1 Department of Human Services, or any jail or other facility where a person is incarcerated due  
2 to the commission of a crime, shall provide notice, as soon as possible, ~~to the state's attorney in~~  
3 ~~the county wherein the person was convicted of that crime~~ if any of the following occur:

- 4 (1) Upon the person's escape from custody and return to custody following escape;
- 5 (2) Of any release from custody, including placement in an intensive supervision program  
6 or other alternative disposition, such notice to include associated conditions of  
7 release;
- 8 (3) Upon the granting of parole or revocation of parole; ~~and~~
- 9 (4) Prior to the defendant's release from custody due to expiration of sentence; and
- 10 (5) Of any removal from an intensive supervision program or other alternative disposition.

11 Section 6. That chapter 23A-28C be amended by adding thereto a NEW SECTION to read  
12 as follows:

13 Notice as required in § 23A-28C-5 shall be provided directly to the victim by the Department  
14 of Corrections if the defendant is incarcerated in an institution under the control of the  
15 Department of Corrections. If the defendant is incarcerated in an institution under the control  
16 of the Department of Human Services, or in any jail or in other facility due to the commission  
17 of a crime, notice as required in § 23A-28C-5 shall be provided to the state's attorney in the  
18 county where the person was convicted of that crime.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Judiciary. S.J. 18

3 1/15/99 Scheduled for Committee hearing on this date.

4 1/15/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 51

5 1/16/99 Judiciary Hog Housed.