

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

580Y0256

SENATE BILL NO. 89

Introduced by: Senators Nelson, Greenfield (Brock), Jensen (Phil), Monroe, Russell, and Stalzer and Representatives Goodwin, Brunner, Dennert, DiSanto, Kaiser, Lesmeister, Marty, and May

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding liability against
2 public entities that prohibit firearms on their premises.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Any public entity that prohibits firearms on or within the person's or entity's premises is
6 liable for civil damages resulting from any injury that is proximately caused by a crime of
7 violence as defined in § 22-1-2 against a person who is unable to carry a firearm due to the
8 prohibition while the injured person was on the premises at the time of the injury. For purposes
9 of this section the public entity is deemed to have waived the common law doctrine of sovereign
10 immunity and is deemed to have consented to suit in the same manner that any other party may
11 be sued.

12 Section 2. That the code be amended by adding a NEW SECTION to read:

13 Any person who is injured while on the premises of a public entity that prohibits firearms
14 on or within the premises may recover damages if the injury was proximately caused by a crime



1 of violence as defined in § 22-1-2 against the injured person who was unable to carry a firearm
2 due to the prohibition at the time of the injury.

3 Section 3. That the code be amended by adding a NEW SECTION to read:

4 Any person entitled to bring an action under this Act may recover all of the following:

- 5 (1) Economic damages;
- 6 (2) Noneconomic damages;
- 7 (3) Exemplary damages; and
- 8 (4) Attorneys' fees.