

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

169Z0589

## SENATE JUDICIARY ENGROSSED NO. **HB 1083** 2/28/2018

Introduced by: Representatives Rhoden, Beal, Carson, Clark, Dennert, DiSanto, Glanzer, Goodwin, Gosch, Heinemann, Jensen (Kevin), Johnson, Kaiser, Karr, Kettwig, Latterell, Lesmeister, Livermont, May, Mills, Peterson (Kent), Schoenfish, Turbiville, and Wiese and Senators Otten (Ernie), Cammack, Cronin, Ewing, Klumb, Maher, Monroe, Netherton, Peters, Soholt, and Solano

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding permits to carry a  
2 concealed pistol and to declare an emergency.

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

4 Section 1. That § 23-7-53 be amended to read:

5 23-7-53. An applicant may submit an application to the sheriff of the county in which the  
6 applicant resides for an optional enhanced permit to carry a concealed pistol. The application  
7 shall include:

8 (1) The application for the optional enhanced permit to carry a concealed pistol;

9 (2) A copy of the applicant's fingerprints for submission to the Federal Bureau of  
10 Investigation, and any governmental agency or entity authorized to receive such  
11 information, for a state, national, and international criminal history background  
12 check;



- 1 (3) An authorization to run a fingerprint background check;
- 2 (4) A separate payment for the cost of processing the fingerprint background check and,  
3 if the sheriff takes the fingerprints, the sheriff shall secure the fingerprints at no  
4 additional charge to the applicant;
- 5 (5) A separate application fee of one hundred dollars for the optional permit to carry a  
6 concealed pistol which shall be distributed fifty percent to the sheriff and fifty  
7 percent to the secretary of state to be used by the secretary of state to administer the  
8 concealed carry program; and
- 9 (6) Proof that the applicant has successfully completed a qualifying handgun course as  
10 defined in § 23-7-58 within the preceding twelve months or proof that the applicant  
11 is a current or former South Dakota law enforcement officer.

12 The sheriff shall forward the copy of the applicant's fingerprints, the applicant's  
13 authorization for processing a fingerprint background check, and the payment for the fingerprint  
14 background check to the Division of Criminal Investigation for processing.

15 Section 2. That chapter 23-7 be amended by adding a NEW SECTION to read:

16 Notwithstanding any other law, the age requirement for the enhanced permit is for  
17 twenty-one years of age or older.

18 Any applicant between eighteen to twenty years of age, inclusive, who meets the  
19 requirements of §§ 23-7-53 and 23-7-54 and any other specified requirements and qualifications  
20 and upon the approval from the sheriff of the county where the applicant submitted the  
21 application shall be issued a temporary restricted enhanced permit that clearly designates the  
22 restricted enhanced permit is for individuals eighteen to twenty years of age, inclusive.

23 Section 3. That chapter 23-7 be amended by adding a NEW SECTION to read:

24 Any individual between eighteen and twenty years of age, inclusive, holding an enhanced

1 concealed carry permit, issued between July 1, 2015, and the effective date of this Act, shall be  
2 issued a new temporary restricted enhanced permit that designates the permit is for individuals  
3 eighteen to twenty years of age, inclusive.

4 Section 4. That chapter 23-7 be amended by adding a NEW SECTION to read:

5 A person holding an unexpired restricted enhanced permit who has reached the age of  
6 twenty-one may submit a written request to the secretary of state for an unrestricted enhanced  
7 permit. The unrestricted enhanced permit shall be issued at no additional cost.

8 Section 5. That chapter 23-7 be amended by adding a NEW SECTION to read:

9 A person who has been issued a permit to carry a concealed pistol shall maintain current  
10 information on the permit by notifying the secretary of state in writing of a change in the  
11 person's name due to marriage or court order or of a change in physical address. If the revised  
12 address is located within South Dakota, the secretary of state shall provide a new permit to the  
13 person.

14 The county sheriff may issue a temporary permit or the secretary of state may issue an  
15 updated permit that reflects an address outside of South Dakota in the following instances:

- 16 (1) For a South Dakota resident who is active duty military personnel, or the spouse of  
17 a person who is active duty military, with a home of record in South Dakota; or  
18 (2) For a South Dakota permit holder whose home is physically located in South Dakota  
19 but has an official postal address located within in a county in another state that  
20 shares a border with South Dakota.

21 The fee for processing a replacement permit is two dollars and shall be used by the secretary  
22 of state to administer the concealed carry program.

23 Section 6. Whereas, this Act is necessary for the support of the state government and its  
24 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in

1 full force and effect from and after its passage and approval.