

AN ACT

ENTITLED, An Act to require a National Instant Criminal Background Check for certain concealed carry permits.

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

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

23-7-7. A permit to carry a concealed pistol shall be issued to any person by the sheriff of the county in which the applicant resides. The permit shall be valid throughout the state and shall be issued pursuant to § 23-7-7.1. For purposes of verifying the qualifications of an applicant, prior to issuing a permit, the sheriff shall execute, and the applicant shall pass, a background investigation, including a computer check of available on-line records and the National Instant Criminal Background Check.

Section 2. That § 23-7-7.1 be amended to read:

23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of application to a person if the applicant:

- (1) Is eighteen years of age or older;
- (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence;
- (3) Is not habitually in an intoxicated or drugged condition;
- (4) Has no history of violence;
- (5) Has not been found in the previous ten years to be a "danger to others" or a "danger to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- (6) Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application;
- (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or

misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense;

- (8) Is a citizen or legal resident of the United States;
- (9) Is not a fugitive from justice; and
- (10) Is not otherwise prohibited by state law, 18 U.S.C. § 922(g) as amended to October 26, 2005, or 18 U.S.C. § 922(n) as amended to October 26, 2005, from receiving, possessing or transporting a firearm, and passes a National Instant Criminal Background Check.

A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.

Section 3. That § 23-7-8.11 be amended to read:

23-7-8.11. The holder of the regular permit to carry a concealed pistol may renew the permit through the sheriff of the county where the holder resides for a period beginning ninety days before the permit expires. The holder shall pay a ten-dollar renewal fee and pass a background investigation, including a computer check of available online records and the National Instant Criminal Background Check, required under § 23-7-7 prior to the renewal of the permit. The renewal fee shall be distributed as set forth in § 23-7-8.2.

Section 4. That § 23-7-8.12 be amended to read:

23-7-8.12. If a South Dakota resident holds a regular concealed carry permit issued in accordance with § 23-7-7, and is a member of a state National Guard unit, the Armed Forces of the United States, or the Armed Forces Reserves of the United States, and the holder's permit expires during an active duty military assignment or deployment outside the holder's state of residence, the holder may request a renewal form application from the Office of the Secretary of State. The secretary shall prescribe the contents of the application form and any accompanying materials. The application shall be accompanied by documentation of the deployment, including dates and location of the deployment if available for disclosure; an affidavit signed by the holder's commanding officer or unit

commander attesting to the identity of the holder and the fact the holder is unable to return to the state to renew; and a copy of a current, valid, government-issued identification card with a photograph of the holder. The secretary shall specify the contents of the affidavit. The holder shall mail the application, containing original signatures in ink, to the sheriff in the holder's county of residence. The sheriff shall conduct the background investigation, including a computer check of available online records and the National Instant Criminal Background Check required under § 23-7-7, within five days of receipt of the military application renewal form. The original signature of the applicant on the renewal form shall serve as the applicant's signature for the temporary permit.

An Act to require a National Instant Criminal Background Check for certain concealed carry permits.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1209

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1209
File No. _____
Chapter No. _____

=====

Received at this Executive Office this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State