

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

823Z0447

## SENATE BILL NO. 175

Introduced by: Senators Solano, Cammack, Cronin, Frerichs, Haverly, Klumb, Kolbeck, Maher, Partridge, Peters, Soholt, and Youngberg and Representatives Brunner, Beal, Conzet, Glanzer, Rhoden, and Rounds

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the carrying of  
2 concealed pistols by certain persons.

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

4 Section 1. That § 22-14-9 be amended to read:

5 22-14-9. Any person, other than a law enforcement officer as defined in § 22-1-2 acting  
6 under color of authority, who:

7 (1) Carries a pistol or revolver, loaded or unloaded, concealed on or about ~~his or her~~  
8 person that person's body without a permit ~~as provided in~~ issued or recognized as  
9 valid under chapter 23-7; or

10 (2) Carries a pistol or revolver, loaded or unloaded, concealed in any vehicle while  
11 operating the vehicle, without a permit ~~as provided in~~ issued or recognized as valid  
12 under chapter 23-7;

13 is guilty of a Class 1 misdemeanor for a first offense. Any second or subsequent violation within  
14 ten years of the first violation of the provisions of this section is a Class 6 felony.



1 Section 2. That § 22-14-9.1 be amended to read:

2 22-14-9.1. ~~No person may possess a concealed pistol in accordance with chapter 23-7 or this~~  
3 ~~chapter unless that person also has in his or her physical possession~~ The provisions of § 22-14-9  
4 do not apply to any person who carries a concealed pistol or revolver and also:

5 (1) Carries on or about that person's body a valid South Dakota permit to carry a  
6 concealed pistol or a issued pursuant to chapter 23-7;

7 (2) Carries on or about that person's body a permit effective ~~recognized as valid~~ pursuant  
8 to § ~~23-7-7.3~~ § 23-7-7.4; or

9 (3) Is a resident of South Dakota who meets the requirements for a temporary permit  
10 under § 23-7-7.1 and carries on or about that person's body a valid South Dakota  
11 driver license or identification card issued under chapter 32-12.

12 Any violation of the provisions of this section is a petty offense. ~~However, if~~ Any charge made  
13 under this section shall be dismissed if the person produces within twenty-four hours of being  
14 charged with a violation of this section, ~~the person produces either~~ either a permit to carry a concealed  
15 pistol ~~which~~ or a South Dakota driver license or identification card that was valid at the time of  
16 the ~~alleged~~ offense in the office of the officer ~~making the demand, the charge shall be dismissed~~  
17 who issued the charge.

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

19 23-7-7. A permit to carry a concealed pistol shall be issued to any person by the sheriff of  
20 the county in which the ~~applicant~~ person who applies for the permit resides. The permit shall  
21 be valid throughout the state and shall be issued pursuant to § 23-7-7.1. Prior to issuing the  
22 permit, the sheriff shall execute a background investigation, including a criminal history check,  
23 of every applicant for the purposes of verifying the qualifications of the applicant pursuant to  
24 the requirements of § 23-7-7.1. For the purposes of this section, a background investigation is

1 defined as a computer check of available on-line records. The issuance of a permit to carry a  
2 concealed pistol pursuant to the provisions of this chapter does not impose a general prohibition  
3 on the carrying of a pistol without a permit by a resident who qualifies under subdivision 22-14-  
4 9.1(3).

5 Section 4. That § 23-7-8.7 be amended to read:

6 23-7-8.7. The provisions of § 23-7-8.6 do not apply to:

- 7 (1) ~~Records~~ Any record of firearms that have been used in committing any crime;
- 8 (2) ~~Permits~~ Any permit to carry a concealed pistol ~~records~~ record relating to any person  
9 who has been convicted of a felony;
- 10 (3) ~~Records~~ Any record of the serial ~~numbers~~ number of firearms ~~that have been any~~  
11 firearm reported stolen that ~~are~~ is retained for a period not ~~in excess of~~ more than ten  
12 days after ~~such firearms are~~ the firearm is recovered and returned to the lawful owner.  
13 ~~However, official~~ Official documentation recording the theft of a recovered ~~weapon~~  
14 firearm under this subdivision may be maintained no longer than the balance of the  
15 year entered ~~and~~ plus two additional years;
- 16 (4) ~~Firearm records~~ Any firearm record that must be retained by ~~a~~ a firearm ~~dealers~~ dealer  
17 under federal law, including copies of ~~such~~ records transmitted to law enforcement  
18 agencies;
- 19 (5) Any ~~on-duty~~ on-duty law enforcement officer while conducting routine verification  
20 of ~~the validity of a permit~~ a person's authorization to carry a concealed pistol pursuant  
21 to § 22-14-9.1;
- 22 (6) The secretary of state for the issuance of a permit to carry a concealed pistol ~~permits~~  
23 pursuant to chapter 23-7 and any access reasonably necessary to verify information  
24 with regard to specific permits individually; and

- 1       (7)    The preservation of the triplicate copy of the application for a permit to carry a
- 2           concealed pistol by the authority issuing the permit as required by § 23-7-8.