

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

643B0019

HOUSE ENGROSSED NO. **HB 1056** - 2/8/2019

Introduced by: Representatives Peterson (Sue), Brunner, Dennert, Frye-Mueller, Goodwin, Gosch, Howard, Jensen (Kevin), Johnson (Chris), Latterell, Livermont, Marty, Mulally, Otten (Herman), Pischke, Qualm, Randolph, Rasmussen, Weis, and Zikmund and Senators DiSanto, Jensen (Phil), Monroe, Nelson, Russell, Stalzer, and Youngberg

1 FOR AN ACT ENTITLED, An Act to prohibit certain local ordinances regarding firearms.

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

3 Section 1. That § 7-18A-36 be amended to read:

4 7-18A-36. No county may pass ~~any~~ an ordinance that restricts or prohibits, or imposes any
5 tax, licensure requirement, or licensure fee on the possession, storage, transportation, purchase,
6 sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components.

7 Any ~~ordinances~~ ordinance prohibited by this section ~~are~~ is null and void. The attorney general

8 shall send a cease and desist order to any county that passes or enforces an ordinance in

9 violation of this section. If the county fails to comply with the order, the attorney general shall

10 bring an action in the name of the state for injunctive relief against any county that has passed

11 an ordinance in violation of this section. A court shall grant any person charged with a violation

12 of an ordinance prohibited under this section reasonable costs, expenses, and attorney's fees.

13 This section does not apply to any generally applicable zoning ordinance, building regulation,



1 or fire code so long as the ordinance, regulation, or code is not used to circumvent the
2 prohibition under this section.

3 Section 2. That § 8-5-13 be amended to read:

4 8-5-13. No township may pass ~~any~~ an ordinance that restricts or prohibits, or imposes any
5 tax, licensure requirement, or licensure fee on the possession, storage, transportation, purchase,
6 sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components.
7 Any ~~ordinances~~ ordinance prohibited by this section ~~are~~ is null and void. The attorney general
8 shall send a cease and desist order to any township that passes or enforces an ordinance in
9 violation of this section. If the township fails to comply with the order, the attorney general shall
10 bring an action in the name of the state for injunctive relief against any township that has passed
11 an ordinance in violation of this section. A court shall grant any person charged with a violation
12 of an ordinance prohibited under this section reasonable costs, expenses, and attorney's fees.
13 This section does not apply to any generally applicable zoning ordinance, building regulation,
14 or fire code so long as the ordinance, regulation, or code is not used to circumvent the
15 prohibition under this section.

16 Section 3. That § 9-19-20 be amended to read:

17 9-19-20. No municipality may pass ~~any~~ an ordinance that restricts or prohibits, or imposes
18 any licensure requirement or licensure fee on the possession, storage, transportation, purchase,
19 sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components.
20 Any ~~ordinances~~ ordinance prohibited by this section ~~are~~ is null and void. The attorney general
21 shall send a cease and desist order to any municipality that passes or enforces an ordinance in
22 violation of this section. If the municipality fails to comply with the order, the attorney general
23 shall bring an action in the name of the state for injunctive relief against any municipality that
24 has passed an ordinance in violation of this section. A court shall grant any person charged with

1 a violation of an ordinance prohibited under this section reasonable costs, expenses, and
2 attorney's fees. This section does not apply to any generally applicable zoning ordinance,
3 building regulation, or fire code so long as the ordinance, regulation, or code is not used to
4 circumvent the prohibition under this section.