

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

933B0487

## SENATE JUDICIARY ENGROSSED NO. **SB 115** 2/14/2019

Introduced by: Senators Stalzer, Bolin, Curd, DiSanto, Langer, Otten (Ernie), Russell, and Wiik and Representatives Qualm, Beal, Chaffee, Chase, Finck, Gosch, Hammock, Howard, Jensen (Kevin), Karr, Otten (Herman), Perry, and Randolph

1 FOR AN ACT ENTITLED, An Act to authorize the conditional carrying of a concealed pistol  
2 in the state capitol by certain persons.

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

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

5 22-14-22. For the purposes of §§ 22-14-23 to 22-14-28, inclusive,~~the~~:

6 (1) The term, county courthouse, means the state capitol or any building occupied for the  
7 public sessions of a circuit court, with its various offices. ~~The term includes,~~  
8 including any building appended to or used as a supplementary structure to a county  
9 courthouse; and

10 (2) The term, state capitol, includes any building appended to or used as a supplementary  
11 structure to the state capitol.

12 Section 2. That § 22-14-23 be amended to read:

13 22-14-23. Except as provided in § 22-14-24, any person who knowingly possesses or causes



1 to be present any firearm or other dangerous weapon, in any county courthouse or in the state  
2 capitol, or attempts to do so, is guilty of a Class 1 misdemeanor.

3 Section 3. That § 22-14-24 be amended to read:

4 22-14-24. The provisions of § 22-14-23 do not apply to:

5 (1) The lawful performance of official duties by an officer, agent, or employee of the  
6 United States, the state, political subdivision thereof, or a municipality, who is  
7 authorized by law to engage in or supervise the prevention, detection, investigation,  
8 or prosecution of any violation of law or who is an officer of the court;

9 (2) ~~Possession~~ The possession of a firearm or other dangerous weapon by a judge or  
10 magistrate;

11 (3) The possession of a firearm or other dangerous weapon by a federal or state official  
12 or by a member of the armed services, if such possession is authorized by law; or

13 (4) The possession of a concealed pistol in the state capitol by a qualified law  
14 enforcement officer or a qualified retired law enforcement officer in accordance with  
15 the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926B-C;

16 (5) The possession of a concealed pistol anywhere in the state capitol, other than in the  
17 Supreme Court chamber or other access-controlled private office under the  
18 supervision of security personnel, by any person not otherwise referenced in this  
19 section, provided:

20 (a) The person possessing the concealed pistol holds an enhanced permit issued  
21 in accordance with § 23-7-53;

22 (b) At least twenty-four hours prior to initially entering the state capitol with a  
23 concealed pistol, the person notifies the superintendent of the Division of  
24 Highway Patrol, orally or in writing, that the person intends to possess a

1           concealed pistol in the state capitol;

2           (c) The notification required by this subdivision includes the date on which or the  
3           range of dates during which the person intends to possess a concealed pistol  
4           in the state capitol, provided the range of dates may not exceed thirty  
5           consecutive days; and

6           (d) The notification required by the subdivision may be renewed, as necessary and  
7           without limit; and

8           (6) The lawful carrying of ~~firearms~~, a firearm or other dangerous ~~weapons~~ weapon in a  
9           county courthouse incident to ~~hunting~~, or a hunter safety or a gun safety course or ~~to~~  
10          for any other lawful purposes.

11          Section 4. That § 22-14-25 be amended to read:

12          22-14-25. ~~Nothing~~ Except for the authorizations set forth in § 22-14-24, nothing in this  
13          chapter limits the power of a court to punish for contempt or to promulgate rules or orders  
14          regulating, restricting, or prohibiting the possession of weapons, within any building housing  
15          such court or any of its proceedings, or upon any grounds pertinent to such building.

16          Section 5. That § 22-14-26 be amended to read:

17          22-14-26. Notice of the provisions of § 22-14-23 shall be posted conspicuously at each  
18          public entrance to ~~each~~ a county courthouse and the state capitol.

19          Section 6. That § 22-14-28 be amended to read:

20          22-14-28. By a majority of the members-elect, the county commission in any county may  
21          elect to waive the provisions of § 22-14-23 that apply to a county courthouse.