

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

933B0487

SENATE BILL NO. 115

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
14 to be present any firearm or other dangerous weapon, in any county courthouse or in the state



1 capitol, or attempts to do so, is guilty of a Class 1 misdemeanor.

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

3 22-14-24. The provisions of § 22-14-23 do not apply to:

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

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

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

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

15 (5) The possession of a concealed pistol anywhere in the state capitol, other than in the
16 Supreme Court chamber, by any person not otherwise referenced in this section,
17 provided:

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

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

24 (c) The notification required by this subdivision includes the date on which or the

1 range of dates during which the person intends to possess a concealed pistol
2 in the state capitol, provided the range of dates may not exceed thirty
3 consecutive days; and

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

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

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

10 22-14-25. ~~Nothing~~ Except for the authorizations set forth in § 22-14-24, nothing in this
11 chapter limits the power of a court to punish for contempt or to promulgate rules or orders
12 regulating, restricting, or prohibiting the possession of weapons, within any building housing
13 such court or any of its proceedings, or upon any grounds pertinent to such building.

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

15 22-14-26. Notice of the provisions of § 22-14-23 shall be posted conspicuously at each
16 public entrance to ~~each~~ a county courthouse and the state capitol.

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

18 22-14-28. By a majority of the members-elect, the county commission in any county may
19 elect to waive the provisions of § 22-14-23 that apply to a county courthouse.