

## 2022 South Dakota Legislature

**House Bill 1066****AMENDMENT 1066D FOR THE INTRODUCED BILL**

1 **An Act to prohibit the personal possession of a loaded firearm while intoxicated or**  
2 **in possession of cannabis or cannabis products.**

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

4  
5 **Section 1. That § 22-14-7 be AMENDED:**

6 **22-14-7.** ~~Any~~ A person who is guilty of a Class 1 misdemeanor if the person:

7 (1) ~~Recklessly discharges a firearm or recklessly;~~

8 ~~(2) Recklessly shoots a bow and arrow; or~~

9 ~~(2)(3) Sets a device designed to activate a weapon upon being tripped or approached,~~  
10 ~~and leaves the device unmarked or unattended by a competent person; or~~

11 ~~(3) Has in personal possession a loaded firearm while intoxicated;~~  
12 ~~is guilty of a Class 1 misdemeanor.~~

13 **Section 2. That chapter 22-14 be amended with a NEW SECTION:**

14 A person is guilty of a Class 1 misdemeanor if the person is in personal possession  
15 of a loaded firearm while:

16 (1) Intoxicated; or

17 (2) ~~Under the influence of marijuana, as that term is~~ In possession of cannabis or  
18 cannabis products, as defined in ~~§ 22-42-1~~ § 34-20G-1, unless the possession of  
19 cannabis or cannabis products is solely in fulfillment of the person's role as a  
20 designated caregiver for a qualifying patient, in accordance with chapter 34-20G.

21 **Section 3. That chapter 22-14 be amended with a NEW SECTION:**

1           For purposes of section 2 of this Act, the term, loaded firearm, means any  
2 functional firearm that contains a cartridge, shell, or projectile:  
3 ~~(1) — In in the chamber, including any chamber in the cylinder of a revolver;~~  
4 ~~(2) — In a magazine that is fixed or integral to the firearm; or~~  
5 ~~(3) — In a detachable magazine that has been inserted into the firearm.~~  
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AMENDED