



## 2024 South Dakota Legislature

# Senate Bill 39

Introduced by: **Senator Rohl**

1 **An Act to prohibit a homeowners' association from placing restrictions on firearms**  
 2 **or firearm ammunition.**

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

4 **Section 1. That chapter 11-5 be amended with a NEW SECTION:**

5 A homeowner's association may not include or enforce a provision in a governing  
 6 document that prohibits, restricts, or has the effect of prohibiting or restricting the lawful:

7 (1) Possession, transportation, or storing a firearm, any part of a firearm, or firearm  
 8 ammunition; or

9 (2) Discharge of a firearm.

10 For the purposes of this section, the term "governing documents" means a written  
 11 instrument by which a homeowners' association may exercise power to manage, maintain,  
 12 or otherwise affect the property under the jurisdiction of the homeowners' association.

13 For the purposes of this section, the term "homeowners' association" means any  
 14 incorporated or unincorporated association in which membership is based upon owning or  
 15 possessing an interest in real property and that has the authority, pursuant to recorded  
 16 covenants, bylaws, or other governing documents, to assess and record liens against the  
 17 real property of its members.