

AN ACT

ENTITLED, An Act to provide for limited confidentiality of certain firearms information.

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

Section 1. No state agency, political subdivision, official, agent, or employee of any state agency or political subdivision, or any other person may knowingly keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms, or any list, record, or registry of holders of permits to carry a concealed pistol.

Section 2. The provisions of section 1 of this Act do not apply to:

- (1) Records of firearms that have been used in committing any crime;
- (2) Permits to carry a concealed pistol records relating to any person who has been convicted of a felony;
- (3) Records of the serial numbers of firearms that have been reported stolen that are retained for a period not in excess of ten days after such firearms are recovered and returned to the lawful owner. However, official documentation recording the theft of a recovered weapon may be maintained no longer than the balance of the year entered and two additional years;
- (4) Firearm records that must be retained by firearm dealers under federal law, including copies of such records transmitted to law enforcement agencies;
- (5) Any on duty law enforcement officer while conducting routine verification of the validity of a permit to carry a concealed pistol; and
- (6) The secretary of state for the issuance of concealed pistol permits pursuant to chapter 23-7 and any access reasonably necessary to verify information with regard to specific permits individually.

Section 3. That § 23-7-8.5 be repealed.

Section 4. The provisions of this Act do not restrict any law enforcement officer in the performance of any official duty if the law enforcement officer is in the immediate physical presence of a permit holder who has either presented a permit to the officer or declared to the officer that he or she is a permit holder.

Section 5. The provisions of this Act do specifically prohibit any law enforcement officer from retaining any notes, data, or pieces of information, either collectively or individually, unless the retention of such notes, data, or pieces of information is pertinent to a specific ongoing investigation or prosecution.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1209

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1209

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State