2021 South Dakota Legislature

Senate Bill 111

Introduced by: ***Senator*** *Schoenbeck*

An Act to reduce the fee for permits to carry concealed pistols.

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

Section 1. That § 23-7-8.2 be AMENDED.

23-7-8.2. Duration of permit--Fee.

The permit to carry a concealed pistol is valid for a period of five years from the date of issuance. The fee for issuing the permit is ~~ten~~ three dollars. The local authority shall collect the fee~~. Seven dollars of the fee shall be remitted to the secretary of state and three dollars shall be deposited~~ and deposit the fee in the general fund of the county or municipality issuing the permit.

Section 2. That § 23-7-53 be AMENDED.

23-7-53. Enhanced permit to carry concealed pistol--Application.

An applicant ~~may~~ shall submit an application, to the sheriff of the county in which the applicant resides, for an optional enhanced permit to carry a concealed pistol. The application ~~shall~~ must include:

(1) ~~The application for the optional enhanced permit to carry a concealed pistol;~~

~~(2)~~ A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal ~~history~~ background check;

~~(3)~~(2) An authorization to run a fingerprint background check;

~~(4)~~(3) A separate payment for the cost of processing the ~~fingerprint~~ criminal background check and, if the sheriff takes the fingerprints, the sheriff shall secure the fingerprints at no additional charge to the applicant;

~~(5)~~(4) A separate application fee of ~~one hundred~~ fifty dollars ~~for the optional permit to carry a concealed pistol which shall be distributed fifty percent to~~, which is to be

retained by the sheriff ~~and fifty percent to the secretary of state to be used by the secretary of state to administer the concealed carry program~~; and

~~(6)~~(5) Proof that the applicant:

(a) Has successfully completed a qualifying handgun course as defined in § 23-7-58, within the preceding twelve months; or

(b) Is a current or former law enforcement officer and has, within the preceding twelve months, qualified or requalified on a certified shooting course administered by a firearms instructor approved by the Law Enforcement Officers Standards Commission.

The sheriff shall forward the copy of the applicant's fingerprints, the applicant's authorization for processing a ~~fingerprint~~ criminal background check, and the payment for the ~~fingerprint~~ criminal background check to the Division of Criminal Investigation for processing.

Section 3. That § 23-7-56 be AMENDED.

23-7-56. Enhanced permit to carry concealed pistol--Renewal.

A person who holds an enhanced permit to carry a concealed pistol may renew the permit through the sheriff of the county in which the person resides. The period for renewal begins one-hundred eighty days before the permit expires and ends thirty days after the permit expires.

In order to renew an enhanced permit a person shall:

(1) Pay a renewal fee in the amount of ~~fifty~~ twenty-five dollars;

(2) Pay the fee for a ~~fingerprint~~ criminal background check;

(3) Pass a ~~fingerprint~~ criminal background check and a National Instant Criminal Background Check; and

(4) Present proof that during the period of renewal set forth in this section, the person:

(a) Successfully completed the live fire component of a qualifying handgun course defined in § 23-7-58;

(b) Received instruction regarding the use of force standards; and

(c) Received instruction regarding relevant criminal statutory changes.

~~Fifty percent of the~~ The renewal fee required by this section ~~must~~ is to be retained by the sheriff~~. The remaining fifty percent of the renewal fee required by this section must be forwarded to the secretary of state for use in administering the concealed carry permitting process~~.

If a person fails to renew an enhanced permit to carry a concealed pistol during the period set forth in this section, the permit is deemed to be invalid. In order to obtain an enhanced permit thereafter, the person shall submit an application and meet all requirements set forth in § 23-7-53.

Section 4. That § 23-7-60 be AMENDED.

23-7-60. Gold card permit to carry concealed pistol--Application.

An applicant ~~may~~ shall submit an application, to the sheriff of the county in which the applicant resides, for a gold card permit to carry a concealed pistol. The application ~~shall~~ must include:

(1) ~~The application for the gold card permit to carry a concealed pistol;~~

~~(2)~~ A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal ~~history~~ background check;

~~(3)~~(2) An authorization to run a ~~fingerprint~~ criminal background check;

~~(4)~~(3) A separate payment for the cost of processing the ~~fingerprint~~ criminal background check; and

~~(5)~~(4) A separate application fee of ~~seventy~~ thirty dollars for the gold card permit to carry a concealed pistol. ~~Thirty dollars of the fee shall be distributed to the sheriff, thirty-four dollars shall be distributed to the Department of Public Safety, and six dollars to the secretary of state to be used by the secretary of state to administer the concealed carry program.~~ The fee is to be retained by the sheriff.

The sheriff shall forward the copy of the applicant's fingerprints, the applicant's authorization for processing a ~~fingerprint~~ criminal background check, and the payment for the ~~fingerprint~~ criminal background check to the Division of Criminal Investigation for processing.