



2021 South Dakota Legislature

House Concurrent Resolution 6013

Introduced by: **Representative Dennert**

1 **A CONCURRENT RESOLUTION, To protect our Second Amendment rights from**
2 **federal overreach using the official purpose provision of the REAL ID Act of**
3 **2005.**

4 WHEREAS, the Real ID Act of 2005, Pub. L. 109-13, 119 Stat. 302, prohibits federal
5 agencies from accepting a state-issued driver's license or identification card for any official
6 purpose unless the license or card is issued by a state that meets the requirements set forth
7 in the REAL ID Act; and

8 WHEREAS, under Title II, Section 201(3) of the REAL ID Act, official purpose includes
9 accessing federal facilities, boarding federally regulated commercial aircraft, entering nuclear
10 power plants, and any other purpose as determined by the Secretary of Homeland Security;
11 and

12 WHEREAS, Michael Chertoff, former Secretary of the Department of Homeland Security,
13 stated after the REAL ID Act was signed into law by President George W. Bush, embracing
14 REAL ID could mean it could be used to "cash a check, hire a baby sitter, board a plane or
15 engage in countless other activities"; and

16 WHEREAS, the Department of Homeland Security indicated on September 10, 2020, that
17 all fifty states are now in full compliance issuing identification cards and driver's licenses in
18 accordance with the REAL ID Act:

19 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-Sixth
20 Legislature of the State of South Dakota, the Senate concurring therein, that South Dakota
21 will not comply with the REAL ID Act, should the official purpose provision in any way infringe
22 upon the Second Amendment rights of South Dakotans, including requiring a REAL ID
23 compliant driver's license or state issued identification card to purchase a firearm or
24 ammunition; and

1 BE IT FURTHER RESOLVED, that the Legislature is urging the South Dakota congressional
2 delegation to immediately sponsor or co-sponsor legislation to repeal Title II of the REAL ID
3 Act, except for Title II, Section 206 that repeals Section 7212 of the Intelligence Reform and
4 Terrorism Prevention Act of 2004; and

5 BE IT FURTHER RESOLVED, that the Legislature informs the South Dakota congressional
6 delegation that the Legislature will not support any further federal legislation that would
7 provide the federal government the power to co-opt the driver's license or identification card
8 of any person in South Dakota.