2022 South Dakota Legislature

House Bill 1066

Introduced by: Representative Kevin Jensen

An Act to prohibit the personal possession of a loaded firearm while under the influence of marijuana or intoxicated.

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

Section 1. That § 22-14-7 be AMENDED:

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

(1) Recklessly discharges a firearm or recklessly;

(2) Recklessly shoots a bow and arrow; or

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

(3) Has in personal possession a loaded firearm while intoxicated;

is guilty of a Class 1 misdemeanor.

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

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

(1) Intoxicated; or

(2) Under the influence of marijuana, as that term is defined in § 22-42-1.

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

For purposes of section 2 of this Act, the term, loaded firearm, means any firearm
that contains a cartridge, shell, or projectile:

(1) In the chamber, including any chamber in the cylinder of a revolver;

(2) In a magazine that is fixed or integral to the firearm; or

(3) In a detachable magazine that has been inserted into the firearm.