



2023 South Dakota Legislature

House Bill 1131

Introduced by: **Representative** Aylward

1 **An Act to prevent the imposition or enforcement of extreme risk protection orders**
 2 **and to provide a penalty therefor.**

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

4 **Section 1. That chapter 27A-1 be amended with a NEW SECTION:**

5 Any federal statute, federal regulation, or executive order of the President of the
 6 United States, and any order of a federal or state court is null, void, and unenforceable in
 7 this state if the purpose or intent is to impose or enforce, against a resident of this state,
 8 an extreme risk protection order, including an ex parte order, under which the resident,
 9 in order to reduce the risk of physical harm to himself, herself, or another, is:

10 (1) Required to surrender any firearms or ammunition in his or her possession; or

11 (2) Prohibited from owning or possessing a firearm or ammunition.

12 No state agency, political subdivision, or any elected or appointed official or
 13 employee of this state or of a political subdivision may directly or indirectly impose upon
 14 or enforce an extreme risk protection order described in this section against a resident of
 15 this state.

16 No state agency, political subdivision, or any elected or appointed official or
 17 employee of this state or of a political subdivision may accept any federal funds that are
 18 directly or indirectly conditioned on the creation, imposition, or enforcement of an extreme
 19 risk protection order described in this section.

20 Any violation of this section is a Class 6 felony.

21 Nothing in this section affects the issuance of a protection order under chapter 22-
 22 19A, in cases of stalking, physical injury as a result of an assault, or crimes of violence,
 23 or the issuance of a protection order under chapter 25-10, in cases of domestic abuse.

24 For purposes of this section, an ex parte order means one issued by a judge based
 25 on information provided only by one party and without the presence or involvement of the
 26 other party.

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