

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

844U0591

SENATE BILL NO. 207

Introduced by: Senators Rhoden, Adelstein, Begalka, Brown, Ewing, Heineman (Phyllis), Holien, Hunhoff (Jean), Johnston, Kirkeby, Krebs, Lederman, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie), Peters, Rampelberg, Rave, Soholt, Tidemann, Van Gerpen, Vehle, and White and Representatives Mickelson, Cammack, Campbell, Craig, Ecklund, Erickson, Greenfield, Haggar (Don), Haggar (Jenna), Hansen, Heinemann (Leslie), Hickey, Hoffman, Kaiser, Kopp, Latterell, Magstadt, May, Miller, Munsterman, Nelson, Olson (Betty), Otten (Herman), Qualm, Rasmussen, Rounds, Schoenfish, Schrempp, Solum, Stalzer, Steele, Tulson, Verchio, Werner, Wick, and Wink

1 FOR AN ACT ENTITLED, An Act to make certain legislative findings concerning federal
2 infringement on Second Amendment rights.

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

4 Section 1. The Legislature finds, as a matter of law, that the prohibitions enumerated in the
5 Bill of Rights of the Constitution of the United States of America should and must be
6 interpreted strictly so that the citizens and the states may be secure in the preservation of their
7 rights under the Bill of Rights against any unconstitutional intrusion. This is especially the case
8 in respect to the Second Amendment where the Founding Fathers freely and willingly abjured
9 all legislative and executive authority to regulate gun ownership and usage, as well as the related
10 issue of the maintenance and armament of state militias, to individual citizens and the states
11 respectively. Therefore we can neither identify any means nor rationalize any legal theory that



1 the Second Amendment of the Bill of Rights does not effectively foreclose any and all federal
2 initiatives directed at the restriction of gun ownership and the right of self defense. We look
3 askance at all federal legislation and executive orders that contrive to evade or elude the sacred,
4 hallowed, and clear intent and purpose of the Second Amendment which specifically and
5 definitively prohibits all infringement of this fundamental right by federal insinuation.
6 Moreover, we hereby direct the Office of the Attorney General to be vigilant and proactive in
7 protecting, by litigation if necessary, the rights of South Dakota and its citizens against all
8 dilution and diminution of Second Amendment rights from whatever source and by whatever
9 means.