



2023 South Dakota Legislature

House Bill 1222

Introduced by: **Representative** Kevin Jensen

1 **An Act to limit the liability of permit and certificate-issuing entities and certified use**
 2 **of force instructors.**

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

4 **Section 1. That § 23-7-7.2 be AMENDED:**

5 **23-7-7.2.** An issuing authority that has issued a permit to carry a concealed pistol
 6 in accordance with this chapter ~~may~~is not be held civilly liable to any person or ~~the a~~
 7 person's estate for any injury suffered, including ~~any action for wrongful death,~~ or ~~for~~
 8 ~~property damage~~any damages, because the issuing authority issued the permit ~~For~~
 9 purposes of this section, the Division of Criminal Investigation is an issuing authority when
 10 issuing a certificate of completion pursuant to § 23-7-59.

11 **Section 2. That § 23-7-59 be AMENDED:**

12 **23-7-59.** The Division of Criminal Investigation shall offer at least one course
 13 focused on the use of force, including applicable state laws, per year, open to National
 14 Rifle Association--certified pistol instructors. The Division of Criminal Investigation shall
 15 develop the use of force course and ~~may~~shall promulgate rules, pursuant to chapter 1-
 16 26, to establish the course standards for the issuance of a certificate of completion, ~~and~~
 17 ~~to establish a course fee for the course not to exceed one hundred fifty dollars,~~ and
 18 ~~to implement the course.~~

19 The Division of Criminal Investigation is not liable to any person or the person's
 20 estate for any injury suffered, including wrongful death, or for any damages, because the
 21 division issued a certificate of completion under this section.

22 **Section 3. That chapter 23-7 be amended with a NEW SECTION:**

23 An instructor, certified in accordance with § 23-7-59, is not liable for any personal
 24 injury, wrongful death, or damages, resulting from the conduct, acts, or omissions of a

- 1 current or former student handling a firearm, unless the instructor, during the course of
- 2 providing instruction, engaged in gross negligence or willful or wanton misconduct.