



2023 South Dakota Legislature

House Bill 1222

HOUSE JUDICIARY ENGROSSED

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, at least once every six
 13 months, offer ~~at least one a~~ course that is focused on the use of force, including applicable
 14 state laws, ~~per year,~~ and open to National Rifle Association certified pistol instructors. The
 15 Division of Criminal Investigation shall develop the use of force course and ~~may~~
 16 promulgate rules, pursuant to chapter 1-26, ~~to establish the:~~

- 17 (1) Establish course standards for instructors seeking the issuance of ~~a~~ an initial
 18 certificate of completion, ~~establish;~~
 19 (2) Establish course standards for instructors seeking the renewal of a certificate;
 20 (3) Establish a course fee ~~for the course~~ not to exceed one hundred fifty dollars, ~~and~~
 21 ~~to implement the course;~~ and
 22 (4) Provide for implementation of the course.

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

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

2 An instructor, certified in accordance with § 23-7-59, is not liable for any personal
3 injury, wrongful death, or damages, resulting from the conduct, acts, or omissions of a
4 current or former student handling a firearm, unless the instructor, during the course of
5 providing instruction, engaged in gross negligence or willful or wanton misconduct.