An Act to prohibit a homeowners’ association from placing restrictions on firearms or firearm ammunition.

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

Section 1. That chapter 11-5 be amended with a NEW SECTION:

A homeowner’s association may not include or enforce a provision in a governing document that prohibits, restricts, or has the effect of prohibiting or restricting the lawful:

(1) Possession, transportation, or storing a firearm, any part of a firearm, or firearm ammunition; or

(2) Discharge of a firearm.

For the purposes of this section, the term "governing documents" means a written instrument by which a homeowners' association may exercise power to manage, maintain, or otherwise affect the property under the jurisdiction of the homeowners' association.

For the purposes of this section, the term "homeowners' association" means any incorporated or unincorporated association in which membership is based upon owning or possessing an interest in real property and that has the authority, pursuant to recorded covenants, bylaws, or other governing documents, to assess and record liens against the real property of its members.