

2024 South Dakota Legislature

Senate Bill 39**AMENDMENT 39A
FOR THE INTRODUCED BILL**

1 **An Act to prohibit a homeowners' association from placing restrictions on firearms**
2 **or firearm ammunition.**

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

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

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

7 ~~(1) — Possession possession~~, transportation, or storing a firearm, any part of a firearm,

8 or firearm ammunition; ~~or~~

9 ~~(2) — Discharge of a firearm.~~

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

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