



2024 South Dakota Legislature
Senate Bill 39
ENROLLED

AN ACT

ENTITLED 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 of 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.

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

I certify that the attached Act originated in
the:
Senate as Bill No. 39

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 39
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State