An Act to require proper storage of a firearm and to provide a penalty therefor.

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

Section 1. That a NEW SECTION be added to chapter 22-14:

Any individual owning or possessing a firearm, as defined in § 22-1-2, shall ensure that the firearm is at all times:

(1) Being carried by the individual;
(2) Within the individual’s proximity and control;
(3) Stored in a locked gun safe, locked container, or other locked compartment, provided the manner of securing the firearm does not permit ready access by unauthorized individuals or by those who are a danger to self or others;
(4) Secured with a tamper-resistant trigger lock; or
(5) Rendered mechanically inoperable.

For purposes of this section, a firearm may not be left unattended in a motor vehicle, as defined in § 58-23-9, including in a locked motor vehicle, unless the manner of storage meets the requirements set forth in subdivisions (3), (4), or (5).

Section 2. That a NEW SECTION be added to chapter 22-14:

Section 1 of this Act does not apply to a law enforcement agency, provided the agency has implemented a policy regarding the proper storage of a firearm.

Section 3. That a NEW SECTION be added to chapter 22-14:

Any individual who violates section 1 of this Act is guilty of a Class 2 misdemeanor for a first offense, and a Class 1 misdemeanor for a second or subsequent offense.

Any individual who violates section 1 of this Act is civilly liable for any injury or damage caused by:
(1) A minor who, as a result of the violation, obtained and used a firearm in the commission of a crime; or

(2) An individual who:
   (a) Resides in the same household as the owner or possessor of the firearm;
   (b) Is not eligible to possess a firearm under state or federal law; and
   (c) As result of the violation, obtained and used the firearm in the commission of a crime.

Section 4. That a NEW SECTION be added to chapter 22-14:

   Any retailer that offers firearms for sale shall provide a written notice to each firearm purchaser at the time of sale and shall post, at each cash register or point of sale, a conspicuous sign that that contains the following words:
   WARNING: Failure to abide by state law governing storage of a firearm, as set forth in sections (1) to (3) inclusive, of this Act, may result in the imposition of a criminal penalty and civil liability.

   A retailer that violates this section is guilty of a Class 1 misdemeanor.