



2026 South Dakota Legislature

House Bill 1132

Introduced by: **Representative Jordan**

- 1 **An Act to prohibit the use of property and personnel in the enforcement of certain**
2 **federal laws pertaining to firearms.**

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

4 **Section 1. That a NEW SECTION be added to a NEW CHAPTER in title 23:**

5 Terms used in this chapter mean:

6 (1) "Federal firearm measure," any initial or amended version of a federal statute,
7 regulation, rule, guidance, or order, which takes effect on or after July 1, 2026, is
8 more restrictive than a law of this state, and pertains to:

9 (a) A registry of firearms, firearm accessories, or ammunition;

10 (b) A registry of firearm owners;

11 (c) Required licensing or permitting of a law-abiding individual, as a condition
12 of owning, possessing, or carrying a firearm, firearm accessory, or
13 ammunition;

14 (d) A required criminal background check as a condition of a private sale or
15 transfer, to another individual, of any firearm, firearm accessory, or
16 ammunition;

17 (e) The confiscation of any firearm, firearm accessory, or ammunition, from a
18 law-abiding individual; or

19 (f) The surrender, whether for compensation or not, of any firearm, firearm
20 accessory, or ammunition, by a law-abiding individual;

21 (2) "Law-abiding individual," one who is not prohibited from possessing a firearm or
22 ammunition under the laws of this state; and

23 (3) "Material aid," an action that has the purpose or effect of assisting in, cooperating
24 with, or facilitating any investigation, detention, or arrest, at the direction of any
25 federal authority, in the enforcement of a federal firearm measure, including:

26 (a) The collection or sharing of identifying information;

- (b) The use of equipment, facilities, or personnel;
(c) The use of moneys from any source; and
(d) Joint task-force participation.

Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 23:

No official or employee of this state, or of any political subdivision of this state, may use or authorize the use of personnel, property, or moneys, to provide material aid.

No official or employee of this state, or of any political subdivision of this state, may enter into any contract, including a memorandum of understanding, which would require or authorize material aid.

Nothing in this chapter prohibits an official or employee of this state, or of any political subdivision of this state from:

- (1) Cooperating in multi-jurisdictional investigations or pursuits that have a non-firearms-related criminal nexus;
(2) Participating in joint operations for the purpose of enforcing state law, even if federal officers are present, provided no material aid is given;
(3) Complying with a lawful order issued by a court of competent jurisdiction;
(4) Taking any action against an individual prohibited under the laws of this state from possessing a firearm or ammunition; or
(5) Accepting or using federal moneys to enforce a state law.

A violation of this section is a Class 1 misdemeanor. Each discrete act defined as material aid constitutes a separate offense.

Section 3. That a NEW SECTION be added to a NEW CHAPTER in title 23:

Any person may bring a civil action in a court of competent jurisdiction against this state or any political subdivision of this state, if an official or employee violates section 2 of this Act.

A court may impose a civil penalty in an amount not exceeding fifty thousand dollars per violation, and may award reasonable attorney's fees and costs to a prevailing plaintiff.

A court may grant declaratory and injunctive relief.

An employee of this state or of a political subdivision of this state who, in good faith, reports or refuses to participate in conduct the employee reasonably believes would violate section 2 of this Act is protected against retaliation and may seek appropriate relief, including reinstatement, back pay, and attorney's fees.

1 **Section 4. That a NEW SECTION be added to a NEW CHAPTER in title 23:**

2 Any person may file a sworn complaint with the attorney general, alleging a
3 violation of section 2 of this Act, and provide supporting facts and evidence. If the attorney
4 general determines that the complaint is merited, the attorney general may bring suit in
5 the name of this state to enforce section 2 of this Act, including by mandamus or other
6 equitable relief, and may recover reasonable attorney's fees and costs.