

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

724X0413

SENATE BILL NO. 89

Introduced by: Senators Brown, Greenfield (Brock), and Olson and Representatives Brunner, Craig, Duvall, Feickert, Klumb, McCleerey, Rounds, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to permits to carry a
2 concealed pistol.

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

4 Section 1. That § 23-7-7.1 be amended to read:

5 23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of
6 application ~~to a person~~ if the applicant:

- 7 (1) Is eighteen years of age or older;
- 8 (2) Has never pled guilty to, nolo contendere to, or been convicted of a ~~felony~~ or a crime
9 of violence;
- 10 (3) Is not habitually in an intoxicated or drugged condition;
- 11 (4) Has no history of violence;
- 12 (5) Has not been found in the previous ten years to be a "danger to others" or a "danger
13 to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- 14 (6) Has physically resided in and is a resident of the county where the application is
15 being made for at least thirty days immediately preceding the date of the application;



- 1 (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or
2 misdemeanor in the five years preceding the date of application or is not currently
3 charged under indictment or information for such an offense;
- 4 (8) Is a citizen or legal resident of the United States; ~~and~~
- 5 (9) Is not a fugitive from justice; and
- 6 (10) If applicable, the applicant's civil rights have been restored upon completion of a
7 sentence or pardon and the applicant is eligible to obtain a permit as provided in
8 § 23-7-52.

9 A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.

10 Section 2. That § 23-7-52 be amended to read:

11 23-7-52. If a person's civil rights, including the right to possess a weapon, are restored
12 pursuant to state law, a person is not prohibited from obtaining a permit to carry a concealed
13 pistol or an enhanced permit to carry a concealed pistol under state law. However, this section
14 does not permit any person who has pled guilty to, nolo contendere to, been convicted of a crime
15 of violence as defined by subdivision 22-1-2(9), or any felony or misdemeanor crime as defined
16 in chapter 22-14 or chapter 22-42 within five years immediately preceding the date of
17 application, to obtain a permit to carry a concealed pistol or an enhanced permit to carry a
18 concealed pistol.