

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

670X0508

HOUSE STATE AFFAIRS
ENGROSSED NO. **HB 1138** - 02/05/2016

Introduced by: Representatives Brunner, Campbell, Craig, Haugaard, Johns, Klumb, Stalzer,
and Wiik and Senators Greenfield (Brock), Ewing, Monroe, Olson, and
Tieszen

1 FOR AN ACT ENTITLED, An Act to revise provisions related to the enhanced permit to carry
2 a concealed pistol.

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

4 Section 1. That § 23-7-8 be amended to read:

5 23-7-8. The application for a permit to carry a concealed pistol or an enhanced permit to
6 carry a concealed pistol shall be filed either electronically or in triplicate on a form prescribed
7 by the secretary of state. The application shall require the applicant's complete name, address,
8 occupation, place and date of birth, physical description, a statement that the applicant has never
9 pled guilty to, nolo contendere to, or been convicted of a crime of violence, a sworn statement
10 that the information on the application is true and correct, and the applicant's signature. If filed
11 in triplicate, the original shall be delivered to the applicant as the temporary permit, the
12 duplicate shall within seven days be sent by first class mail to the secretary of state who shall
13 issue the official permit, and the triplicate shall be preserved for ~~four~~ five years by the authority
14 issuing the permit. If the application is filed electronically, two copies shall be made and each



1 shall be signed by the applicant. One copy shall be delivered to the applicant as the temporary
2 permit, and the other copy shall be preserved for ~~four~~ five years by the authority issuing the
3 permit.

4 Section 2. That § 23-7-53 be amended to read:

5 23-7-53. An applicant may submit an application to the sheriff of the county in which the
6 applicant resides for an optional enhanced permit to carry a concealed pistol. The application
7 shall include:

- 8 (1) The application for the optional enhanced permit to carry a concealed pistol;
- 9 (2) A copy of the applicant's fingerprints for submission to the Federal Bureau of
10 Investigation, and any governmental agency or entity authorized to receive such
11 information, for a state, national, and international criminal history background
12 check;
- 13 (3) An authorization to run a fingerprint background check;
- 14 (4) A separate payment for the cost of processing the fingerprint background check;
- 15 (5) A separate application fee of one hundred dollars for the optional permit to carry a
16 concealed pistol which shall be distributed ~~fifty dollars~~ percent to the sheriff and fifty
17 ~~dollars~~ percent to the secretary of state to be used by the secretary of state to
18 administer the concealed carry program; and
- 19 (6) Proof that the applicant has successfully completed a qualifying handgun course as
20 defined in § 23-7-58 within the preceding twelve months or proof that the applicant
21 is a current or former South Dakota law enforcement officer.

22 The sheriff shall forward the copy of the applicant's fingerprints, the applicant's
23 authorization for processing a fingerprint background check, and the payment for the fingerprint
24 background check to the Division of Criminal Investigation for processing.

1 Section 3. That § 23-7-56 be amended to read:

2 23-7-56. The holder of the permit may renew the permit through the sheriff of the county
3 where the holder resides for a period beginning ninety days before the permit expires and ending
4 thirty days after expiration of the permit, if the holder pays the fifty dollar renewal fee and
5 passes a National Instant Criminal Background Check. If the holder of the enhanced permit to
6 carry a concealed pistol does not renew the permit within thirty days of expiration of the permit,
7 the holder must reapply for an enhanced permit to carry a concealed pistol pursuant to § 23-7-
8 53. The renewal fee shall be distributed fifty percent to the sheriff and fifty percent to the
9 secretary of state to be used by the secretary of state to administer the concealed carry program.