

2020 South Dakota Legislature
Senate Bill 51

AMENDMENT 51C FOR THE INTRODUCED BILL

1 **An Act to authorize the possession of a concealed pistol ~~by employees~~ in county**
2 **courthouses.**

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

4 **Section 1.** That § 22-14-24 be AMENDED:

5 **22-14-24. Exceptions to penalty for possession in a county courthouse or**
6 **state capitol.**

7 The provisions of § 22-14-23 do not apply to:

- 8 (1) The lawful performance of official duties by an officer, agent, or employee of the
9 United States, the state, political subdivision thereof, or a municipality, who is
10 authorized by law to engage in or supervise the prevention, detection, investigation,
11 or prosecution of any violation of law or who is an officer of the court;
- 12 (2) The possession of a firearm or other dangerous weapon by a judge or magistrate;
- 13 (3) The possession of a firearm or other dangerous weapon by a federal or state official
14 or by a member of the armed services, if such possession is authorized by law;
- 15 (4) The possession of a concealed pistol in the state capitol by a qualified law
16 enforcement officer or a qualified retired law enforcement officer in accordance with
17 the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926B-C;
- 18 (5) The possession of a concealed pistol anywhere in the state capitol, other than in the
19 Supreme Court chamber or other access-controlled private office under the
20 supervision of security personnel, by any person not otherwise referenced in this
21 section, provided:
- 22 (a) The person possessing the concealed pistol holds an enhanced permit issued
23 in accordance with § 23-7-53;
- 24 (b) At least twenty-four hours prior to initially entering the state capitol with a
25 concealed pistol, the person notifies the superintendent of the Division of
26 Highway Patrol, orally or in writing, that the person intends to possess a

- 1 concealed pistol in the state capitol;
- 2 (c) The notification required by this subdivision includes the date on which or the
- 3 range of dates during which the person intends to possess a concealed pistol
- 4 in the state capitol, provided the range of dates may not exceed thirty
- 5 consecutive days; and
- 6 (d) The notification required by the subdivision may be renewed, as necessary
- 7 and without limit; ~~and~~
- 8 (6) The possession of a firearm or other dangerous weapon in a county courthouse by
- 9 any person who is employed by the county and assigned to work in the county
- 10 courthouse a qualified law enforcement officer or a qualified retired law
- 11 enforcement officer, in accordance with the Law Enforcement Officers Safety Act
- 12 of 2004, 18 U.S.C. § 926B-C, provided the officer is not a party to any civil or
- 13 criminal matter before the court; and
- 14 (7) The lawful carrying of a firearm or other dangerous weapon in a county courthouse
- 15 incident to a hunter safety or a gun safety course or for any other lawful purposes.

16 **Section 2.** That § 22-14-28 be AMENDED:

17 **22-14-28. Waiver of provisions.**

18 By a majority of the members-elect, ~~the a~~ county commission ~~in any county~~ may

19 ~~elect to~~ waive the provisions of § 22-14-23 that apply to any person not otherwise listed

20 in § 22-14-24, with respect to the carrying of a firearm or other dangerous weapon in a

21 county courthouse. ~~A waiver by the county commission in accordance with this section~~

22 ~~supersedes subdivision 6 of § 22-14-24 governing county employees.~~ , except that the

23 waiver authorized by this section may not extend to a courtroom located in the

24 courthouse.