



2022 South Dakota Legislature

Senate Bill 212

HOUSE ENGROSSED

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 **An Act to revise certain fees collected by the Office of the Secretary of State.**

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

3 **Section 1. That § 23-7-8.2 be AMENDED:**

4 **23-7-8.2.** The permit to carry a concealed pistol is valid for a period of five years
 5 from the date of issuance. ~~The fee for issuing the permit is ten dollars. The local authority~~
 6 ~~shall collect the fee. Seven dollars of the fee must be forwarded to the secretary of state~~
 7 ~~and three dollars must be deposited in the general fund of the county or municipality~~
 8 ~~issuing the permit.~~

9 **Section 2. That § 23-7-8.11 be AMENDED:**

10 **23-7-8.11.** The holder of the regular permit to carry a concealed pistol may renew
 11 the permit through the sheriff of the county where the holder resides for a period
 12 beginning ninety days before the permit expires. The holder ~~shall pay a ten dollar renewal~~
 13 ~~fee and~~ must pass a background investigation, including a computer check of available
 14 online records and the National Instant Criminal Background Check, required under § 23-
 15 7-7 prior to the renewal of the permit. ~~The renewal fee shall be distributed as set forth in~~
 16 ~~§ 23-7-8.2.~~

17 **Section 3. That § 23-7-53 be AMENDED:**

18 **23-7-53.** An applicant ~~shall~~ must submit an application, to the sheriff of the county
 19 in which the applicant resides, for an optional enhanced permit to carry a concealed pistol.
 20 The application must include:
 21 (1) A copy of the applicant's fingerprints for submission to the Federal Bureau of
 22 Investigation, and any governmental agency or entity authorized to receive such
 23 information, for a state, national, and international criminal background check;
 24 (2) An authorization to run a fingerprint background check;

1 (3) ~~A separate payment for the cost of processing the criminal background check and,~~
 2 ~~if~~if the sheriff takes the fingerprints, the sheriff shall secure the fingerprints at no
 3 additional charge to the applicant;

4 ~~(4) A separate application fee of sixty dollars; and~~

5 ~~(5)~~(4) Proof that the applicant:

6 (a) Has successfully completed a qualifying handgun course as defined in § 23-
 7 7-58, within the preceding twelve months; or

8 (b) Is a current or former law enforcement officer and has, within the preceding
 9 twelve months, qualified or requalified on a certified shooting course
 10 administered by a firearms instructor approved by the Law Enforcement
 11 Officers Standards Commission.

12 ~~Fifty dollars of the application fee must be retained by the sheriff and ten dollars must be~~
 13 ~~forwarded to the secretary of state for use in administering concealed carry~~
 14 ~~permits.~~

15 The sheriff shall forward the copy of the applicant's fingerprints, the applicant's
 16 authorization for processing a criminal background check, and the payment for the
 17 criminal background check to the Division of Criminal Investigation for processing.

18 **Section 4. That § 23-7-56 be AMENDED:**

19 **23-7-56.** A person who holds an enhanced permit to carry a concealed pistol may
 20 renew the permit through the sheriff of the county in which the person resides. The period
 21 for renewal begins one-hundred eighty days before the permit expires and ends thirty
 22 days after the permit expires.

23 In order to renew an enhanced permit a person shall:

24 (1) ~~Pay a renewal fee in the amount of thirty five dollars;~~

25 ~~(2) Pay the fee for a criminal background check;~~

26 ~~(3) Pass a criminal background check and a National Instant Criminal Background~~
 27 ~~Check; and~~

28 ~~(4)~~(2) Present proof that:

29 (a) During the period for renewal, as set forth in this section, the person:

30 (i) Successfully completed the live fire component of a qualifying
 31 handgun course defined in § 23-7-58;

32 (ii) Received instruction regarding the use of force standards; and

33 (iii) Received instruction regarding relevant criminal statutory changes;

34 or

1 (b) The person is a current or former law enforcement officer who, within the
 2 twelve-month period preceding the date of the expiration, qualified or
 3 requalified on a certified shooting course administered by a firearms
 4 instructor approved by the Law Enforcement Officers Standards
 5 Commission.

6 ~~Twenty five dollars of the renewal fee must be retained by the sheriff. Ten dollars~~
 7 ~~of the renewal fee must be forwarded to the secretary of state for use in administering~~
 8 ~~concealed carry permits.~~

9 If a person fails to renew an enhanced permit to carry a concealed pistol during
 10 the period set forth in this section, the permit is deemed to be invalid. In order to obtain
 11 an enhanced permit thereafter, the person shall submit an application and meet all
 12 requirements set forth in § 23-7-53.

13 **Section 5. That § 23-7-60 be AMENDED:**

14 **23-7-60.** An applicant ~~shall~~ must submit an application, to the sheriff of the county
 15 in which the applicant resides, for a gold card permit to carry a concealed pistol. The
 16 application must include:

- 17 (1) A copy of the applicant's fingerprints for submission to the Federal Bureau of
 18 Investigation, and any governmental agency or entity authorized to receive such
 19 information, for a state, national, and international criminal background check; and
 20 (2) An authorization to run a criminal background check;
 21 ~~(3) A separate payment for the cost of processing the criminal background check; and~~
 22 ~~(4) A separate application fee of forty dollars for the gold card permit to carry a~~
 23 ~~concealed pistol.~~

24 ~~Thirty dollars of the application fee must be retained by the sheriff and ten dollars~~
 25 ~~must be forwarded to the secretary of state for use in administering concealed carry~~
 26 ~~permits.~~

27 The sheriff shall forward the copy of the applicant's fingerprints, and the applicant's
 28 authorization for processing a criminal background check, ~~and the payment for the~~
 29 ~~criminal background check~~ to the Division of Criminal Investigation for processing.

30 **Section 6. That § 23-7-62 be AMENDED:**

31 **23-7-62.** A person who holds a gold card permit to carry a concealed pistol may
 32 renew the permit through the sheriff of the county in which the person resides. The period

1 for renewal begins one hundred eighty days before the permit expires and ends thirty
2 days after the permit expires.

3 In order to renew a gold card permit, a person ~~shall:~~

4 ~~(1) Pay a forty dollar renewal fee; and~~

5 ~~(2) Pass~~ must pass a criminal background check and a National Instant Criminal
6 Background Check.

7 ~~Thirty dollars of the renewal fee must be retained by the sheriff and ten dollars~~
8 ~~must be forwarded to the secretary of state for use in administering concealed carry~~
9 ~~permits.~~

10 **Section 7. That § 23-7-69 be AMENDED:**

11 **23-7-69.** A person who has been issued a permit to carry a concealed pistol shall
12 maintain current information on the permit by notifying the secretary of state in writing
13 of a change in the person's name due to marriage or court order, or of a change in physical
14 address. If the revised address is located within South Dakota, the secretary of state ~~shall~~
15 must provide a new permit to the person.

16 The county sheriff may issue a temporary permit or the secretary of state may
17 issue an updated permit that reflects an address outside of South Dakota in the following
18 instances:

19 (1) For a South Dakota resident who is active duty military personnel, or the spouse
20 of a person who is active duty military, with a home of record in South Dakota; or

21 (2) For a South Dakota permit holder whose home is physically located in South Dakota
22 but has an official postal address located within in a county in another state that
23 shares a border with South Dakota.

24 ~~The fee for processing a replacement permit is two dollars and shall be used by the~~
25 ~~secretary of state to administer the concealed carry program.~~

26 **Section 8. That chapter 23-7 be amended with a NEW SECTION:**

27 The Office of the Secretary of State shall reimburse counties based on the number
28 of concealed carry permits issued each year. The reimbursement amount is:

29 (1) Three dollars for an initial permit to carry a concealed pistol issued under § 23-7-
30 8.2;

31 (2) Three dollars for renewal of a permit to carry a concealed pistol issued under § 23-
32 7-8.11;

1 (3) Fifty dollars for an initial enhanced permit to carry a concealed pistol issued under
2 § 23-7-53;

3 (4) Twenty-five dollars for renewal of an enhanced permit to carry a concealed pistol
4 issued under § 23-7-56;

5 (5) Thirty dollars for an initial gold card permit to carry a concealed pistol issued under
6 § 23-7-60; and

7 (6) Thirty dollars for renewal of a gold card permit to carry a concealed pistol issued
8 under § 23-7-62.

9 The Office of the Secretary of State shall develop and provide to counties a form
10 on which the counties may submit the number of permits issued each calendar year. The
11 form must be submitted to the Office of the Secretary of State on or before January thirty-
12 first. The Office of the Secretary of State shall reimburse the counties on or before March
13 thirty-first. The reimbursements must be paid on vouchers approved by the secretary of
14 state and paid on warrants drawn by the state auditor.

15 Only those permits issued on or after July 1, 2022, are eligible for reimbursement
16 in accordance with this section.