



2025 South Dakota Legislature

House Bill 1218

SENATE ENGROSSED

Introduced by: **Representative Aylward**

1 **An Act to address the imposition of firearm restrictions on certain employees,**
 2 **officers, volunteers, and other individuals.**

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

4 **Section 1. That a NEW SECTION be added to chapter 7-18:**

5 A board of county commissioners may not, by any method or means, prohibit or
 6 restrict an individual who is a county employee, officer, or volunteer, from lawfully
 7 possessing any concealed firearm and compatible ammunition, while the individual is
 8 within any county building, facility, or vehicle, or while on any real property, owned or
 9 leased by the county. This section does not apply to possession of a concealed firearm
 10 and compatible ammunition by:

11 (1) An individual who is an inmate;

12 (2) An individual, other than a law enforcement officer, while present in the secure
 13 area of any detention facility, a mental health crisis center, or a substance use
 14 disorder residential treatment facility; or

15 (3) An individual, other than a law enforcement officer, while using a county vehicle to
 16 transport another individual apprehended in accordance with chapter 27A-10.

17 No injury or damage resulting from an individual possessing a concealed firearm
 18 may be construed to be an act of the county, and no liability may be imputed to the
 19 county.

20 For purposes of this section, any "method or means" includes the adoption of a
 21 policy, the issuance of a guidance letter or statement, and any similar directive, whether
 22 written or oral.

23 **Section 2. That a NEW SECTION be added to chapter 8-4:**

24 A board of supervisors may not, by any method or means, prohibit or restrict an
 25 individual who is a township employee, officer, or volunteer, from lawfully possessing any

1 concealed firearm and compatible ammunition, while the individual is within any township
 2 building, facility, or vehicle, or while on any real property, owned or leased by the
 3 township. This section does not apply to possession of a concealed firearm and compatible
 4 ammunition by:

- 5 (1) An individual who is an inmate;
- 6 (2) An individual, other than a law enforcement officer, while present in the secure
 7 area of any detention facility, a mental health crisis center, or a substance use
 8 disorder residential treatment facility; or
- 9 (3) An individual, other than a law enforcement officer, while using a township vehicle
 10 to transport another individual apprehended in accordance with chapter 27A-10.

11 No injury or damage resulting from an individual possessing a concealed firearm
 12 may be construed to be an act of the township, and no liability may be imputed to the
 13 township.

14 For purposes of this section, any "method or means" includes the adoption of a
 15 policy, the issuance of a guidance letter or statement, and any similar directive, whether
 16 written or oral.

17 **Section 3. That a NEW SECTION be added to chapter 9-14:**

18 The governing body of a municipality may not, by any method or means, prohibit
 19 or restrict an individual who is a municipal employee, officer, or volunteer, from lawfully
 20 possessing any concealed firearm and compatible ammunition, while the individual is
 21 within any municipal building, facility, or vehicle, or while on any real property, owned or
 22 leased by the municipality. This section does not apply to possession of a concealed
 23 firearm and compatible ammunition by:

- 24 (1) An individual who is an inmate;
- 25 (2) An individual, other than a law enforcement officer, while present in the secure
 26 area of any detention facility, a mental health crisis center, or a substance use
 27 disorder residential treatment facility; or
- 28 (3) An individual, other than a law enforcement officer, while using a municipal vehicle
 29 to transport another individual apprehended in accordance with chapter 27A-10.

30 No injury or damage resulting from an individual possessing a concealed firearm
 31 may be construed to be an act of the municipality, and no liability may be imputed to the
 32 municipality.

1 For purposes of this section, any "method or means" includes the adoption of a
 2 policy, the issuance of a guidance letter or statement, and any similar directive, whether
 3 written or oral.

4 **Section 4. That a NEW SECTION be added to chapter 9-14:**

5 Notwithstanding section 3 of this Act or § 9-19-20, a municipality may, by any
 6 method or means, prohibit or restrict an individual from lawfully carrying a dangerous
 7 weapon, as defined in § 22-1-2, within a building or facility at which an event is occurring,
 8 provided metal detectors are utilized to screen for any dangerous weapons and armed
 9 security personnel are posted at each public entrance.

10 **Section 5. That § 23-7-70 be REPEALED.**

11 ~~A person may not carry a concealed pistol in any licensed on-sale malt beverage~~
 12 ~~or alcoholic beverage establishment that derives over one-half of its total income from the~~
 13 ~~sale of malt or alcoholic beverages.~~