

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

670H0238

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1129** - 02/08/2002

Introduced by: Representatives Madsen, Brown (Jarvis), Duenwald, Eccarius, Elliott, Flowers, Frost, Fryslie, Garnos, Gillespie, Hansen (Tom), Hargens, Hunhoff, Jaspers, Juhnke, Klaudt, Kloucek, Koistinen, Lintz, McCaulley, McCoy, Monroe, Nachtigal, Napoli, Olson (Mel), Pederson (Gordon), Peterson (Bill), Peterson (Jim), Pummel, Rhoden, Richter, Smidt, Teupel, and Van Etten and Senators Putnam, Apa, Bogue, Craddock, Dennert, Diedrich (Larry), Diedrich (Elmer), Drake, Everist, Greenfield, Hutmacher, Kleven, Madden, McCracken, Moore, Olson (Ed), Sutton (Dan), Vitter, and Volesky

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

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

4 Section 1. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The attorney general shall compare South Dakota permit issuance statutes with the permit
7 issuance statutes in states with which reciprocity is sought or requested in order to determine
8 whether the laws of the other state meet or exceed the requirements of this chapter for the
9 issuance of a permit. The secretary of state may enter into reciprocity agreements with other
10 states after the attorney general has notified the secretary of state that the other states' laws meet
11 or exceed the provisions of this chapter.



1 Section 2. That chapter 22-14 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 No person may possess a concealed pistol in accordance with chapter 23-7 or this chapter
4 unless that person also has in his or her physical possession a valid South Dakota permit to carry
5 a concealed pistol or a permit effective pursuant to section 1 of this Act. A violation of this
6 section is a petty offense. However, if within twenty-four hours of being charged with a violation
7 of this section, the person produces a permit to carry a concealed pistol which was valid at the
8 time of the alleged offense in the office of the officer making the demand, the charge shall be
9 dismissed.

10 Section 3. That chapter 22-14 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any person who is permitted to carry a concealed pistol in a state with which the secretary
13 of state has entered into a reciprocity agreement pursuant to this Act may carry a concealed
14 pistol in this state if the permit holder carries the pistol in compliance with the laws of this state.
15 A violation of this section is a Class 1 misdemeanor.

16 Section 4. That § 23-7-7 be amended to read as follows:

17 23-7-7. A permit to carry a concealed pistol shall be issued to any person by the sheriff of
18 the county ~~or the chief of police of the municipality~~ in which the applicant resides. The permit
19 shall be valid throughout the state and shall be issued pursuant to § 23-7-7.1. Prior to issuing the
20 permit, the sheriff shall execute a background investigation, including a criminal history check,
21 of every applicant for the purposes of verifying the qualifications of the applicant pursuant to the
22 requirements of § 23-7-7.1. For the purposes of this section, a background investigation is
23 defined as a computer check of available on-line records.

24 Section 5. That § 23-7-7.1 be amended to read as follows:

1 23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of
2 application to a person if the applicant:

- 3 (1) Is eighteen years of age or older;
- 4 (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime
5 of violence;
- 6 (3) Is not habitually in an intoxicated or drugged condition;
- 7 (4) Has no history of violence;
- 8 (5) Has not been found in the previous ten years to be a "danger to others" or a "danger
9 to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- 10 (6) Has been a resident of the county or municipality where the application is being made
11 for at least thirty days;
- 12 (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or
13 misdemeanor in the two five years preceding the date of application or is not currently
14 charged under indictment or information for such an offense; and
- 15 (8) Is a citizen of the United States ~~or has been in the United States legally for at least~~
16 ~~two years; and~~
- 17 (9) Is not a fugitive from justice.

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

19 Section 6. That § 23-7-8 be amended to read as follows:

20 23-7-8. The application for a permit to carry a concealed pistol shall be in triplicate on a form
21 prescribed by the secretary of state. The application shall require the applicant's complete name,
22 address, occupation, place and date of birth, physical description, a statement that the applicant
23 has never pled guilty to, nolo contendere to, or been convicted of a crime of violence, a sworn
24 statement that the information on the application is true and correct, and the applicant's

1 signature. The original shall be delivered to the applicant as the temporary permit, the duplicate
2 shall within seven days be sent by first class mail to the secretary of state who shall issue the
3 official permit, and the triplicate shall be preserved for four years by the authority issuing the
4 permit.