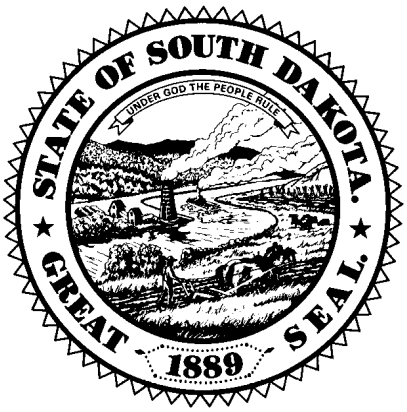
South Dakota Firearm Laws



January 2019

Courtesy of

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Permit to Carry a Concealed Pistol

An individual who wishes to carry a concealed pistol on or about his person or in a vehicle must obtain a Permit to Carry a Concealed Pistol (SDCL 22-14-9). A person does not need a permit to own a pistol, keep it in his home, business, or property, or visibly carry it (SDCL 22-14-11).

Carrying a concealed pistol without a permit is a Class 1 misdemeanor, punishable by one year imprisonment or two thousand dollar fine or both (SDCL 22-14-9).

A Permit to Carry a Concealed Pistol may be obtained from the sheriff of the county of which the applicant is a resident (SDCL 23-7-7).

A Regular Permit is valid for five years and the fee is $10.00 (SDCL 23-7-8.2).

An Enhanced Permit is valid for five years and the fee is $100.00 (SDCL 23-7-53; SDCL 23-7-55)

A Gold Card Permit is valid for five years and the fee is $70.00 (SDCL 23-7-60; SDCL 23-7-63)

The applicant must complete a form called an Application and Temporary Permit to Carry a Concealed Pistol. The information required for the permit includes (SDCL 23-7-8; SDCL 23-7-53; SDCL 23-7-60): the applicant's complete name, address, occupation, place and date of birth, country of citizenship, alien identification number if not a U.S. citizen, physical description, a statement that the applicant has never pled guilty to, nolo contendere to, or been convicted of a crime of violence, a sworn statement that the information on the application is true and correct, and the applicant's signature.

Providing false information or false evidence of identity in applying for a permit to carry a concealed pistol is a Class 6 felony punishable by two years imprisonment, a fine of four thousand dollars, or both (SDCL 23-7-12).

The applicant must also meet the following requirements (SDCL 23-7-7.1):

- Is eighteen years of age or older;
- Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence;
- Is not habitually in an intoxicated or drugged condition;
- Has no history of violence;
- Has not been found in the previous ten years to be a "danger to others" or a "danger to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application;
- Has had no violations of chapter § 23-7, 22-14, or 22-42 constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense;
- Is a citizen or legal resident of the United States; and
- Is not a fugitive from justice.

Additional ENHANCED Permit Requirements

The application shall include (SDCL 23-7-53):

- The application for the optional enhanced permit to carry a concealed pistol;
- A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal history background check;
- An authorization to run a fingerprint background check;
- A separate payment for the cost of processing the fingerprint background check;
- A separate application fee of one hundred dollars for the optional permit to carry a concealed pistol; and
- Proof that the applicant has successfully completed a qualifying handgun course as defined in SDCL 23-7-58. Qualifying handgun course must include instruction in each of the following:
    - ◊ South Dakota law relating to firearms and the use of force;
    - ◊ The basic concepts of the safe and responsible use of handguns;
    - ◊ Self-defense principles; and
    - ◊ Live fire training including the firing of at least ninety-eight rounds of ammunition by the student.

The sheriff has **five** days from the date of application in which to issue the temporary permit (SDCL 23-7-7.1).

Within **seven** days after the temporary permit has been issued, the sheriff sends a copy of the application to the secretary of state who issues the official permit (SDCL 23-7-8).

The permit is valid throughout South Dakota except in the following: any licensed on-sale malt beverage or alcoholic beverage establishment that derives over one-half of its total income from the sale of malt or alcoholic beverages (SDCL 23-7-8.1); any county courthouse as defined in SDCL 22-14-22 (SDCL 12-14-23); or any elementary or secondary schools (SDCL 13-32-7). The permit is not transferable from one person to another (SDCL 23-7-8.3).

Reciprocity

Pursuant to SDCL 23-7-7.3 the Secretary of State has assigned reciprocity agreements for concealed weapons permits with a number of states.

§ 23-7-7.3 Reciprocity with other states-Conditions. The attorney general shall compare South Dakota permit issuance statutes with the permit issuance statutes in states with which reciprocity is sought or requested in order to determine whether the laws of the other state meet or exceed the requirements of this chapter for the issuance of a permit. The secretary of state may enter into reciprocity agreements with other states after the attorney general has notified the secretary of state that the other states' laws meet or exceed the provisions of this chapter.

Recognition

The state of South Dakota recognizes any valid concealed pistol permit issued to a nonresident of South Dakota, according to the terms of its issuance in the state of its issue.

§ 23-7-7.4. Nonresident permit to carry concealed pistol-Validity in South Dakota-Application. Any valid permit to carry a concealed pistol, issued to a nonresident of South Dakota, is valid in South Dakota according to the terms of its issuance in the state of its issue, but only to the extent that the terms of issuance comply with any appropriate South Dakota statute or promulgated rule. However, if the holder of such a nonresident permit to carry a concealed pistol becomes, at any time, a legal resident of South Dakota, the provisions of this section no longer apply.

The current reciprocity or recognition status of states is located at www.sdsos.gov.

Purchase of a Firearm

Federal Requirements

Anyone purchasing a firearm from a licensed firearms dealer must complete a Bureau of Alcohol, Tobacco & Firearms form 4473 (firearms transaction form). This form will be maintained by the dealer.

A firearms purchaser must, under the permanent provisions of the Federal Brady Law, also undergo a National Instant Criminal Background Check System (NICS) check, which will be performed by the firearms dealer. The check will indicate to the dealer whether or not the purchaser's background allows for the person to actually complete the purchase of the firearm. If the check disallows the sale for no warranted reason, there is an appeals process the purchaser can pursue to receive the necessary clearance to complete the purchase.

For questions regarding federal regulations, please contact the Regulatory Office of the Bureau of Alcohol, Tobacco and Firearms, St. Paul, MN, (651) 726-0220.

Statutory Provisions
Repealed Sections are Omitted
Chapter 22-1
Definitions and General Provisions

§ 22-1-2. Definition of terms. Terms used in this title mean:

(1) through (3) Omitted.

(4) "Antique firearm," any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured before 1899, and any replica of any firearm described in this section if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or if it uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade;

(5) Omitted.

(6) "Concealed," any firearm that is totally hidden from view. If any part of the firearm is capable of being seen, it is not concealed;

(7) Omitted.

(8) "Controlled weapon" includes any firearm silencer, machine gun, or short shotgun, as those terms are defined in subdivisions (17), (23), and (46) of this section;

(9) "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;

(10) "Dangerous weapon" or "deadly weapon," any firearm, stun gun, knife, or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm;

(11) through (15) Omitted.

(16) "Firearm," any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the term, gunpowder, includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges;

(17) "Firearm silencer," any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon;

(18) through (20) Omitted.

(21) "Intoxication," a disturbance of mental or physical capacities resulting from the introduction of substances into the body. Intoxication is not, in itself, a mental disease or defect;

(22) "Law enforcement officer," any officer, prosecutor, or employee of the state or any of its political subdivisions or of the United States, or, while on duty, an agent or employee of a railroad or express company or security personnel of an airline or airport, who is responsible for the prevention, detection, or prosecution of crimes, for the enforcement of the criminal or highway traffic laws of the state, or for the supervision of confined persons or those persons on supervised release or probation;

(23) "Machine gun," any firearm, whatever its size and usual designation, that automatically discharges two or more cartridges by a single function of the firing device;

(24) through (31) Omitted.

(32) "Pistol," any firearm with a barrel less than sixteen inches in length, designed to expel a projectile or projectiles by the action of an explosive;

(33) through (43) Omitted.

(44) "Seller," any person or employee engaged in the business of selling pistols at retail;

(44A) "Serious bodily injury," such injury as is grave and not trivial, and gives rise to apprehension of danger to life, health, or limb.

(45) "Short rifle," any rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches;

(46) "Short shotgun," any shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches;

(47) through (49) Omitted.

(50) "Stun gun," any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person;

(50A) through (55) Omitted.

Chapter 22-14

Unlawful Use of Weapons

§ 22-14-5. Possession of firearm with altered serial number-Felony-Exception. Any person who possesses any firearm on which the manufacturer's serial number has been changed, altered, removed or obliterated is guilty of a Class 6 felony.

The provisions of this section do not apply to persons who have applied for a new serial number pursuant to § 23-7-43.

§ 22-14-6. Possession of controlled weapon-Felony-Exceptions. Any person who knowingly possesses a controlled weapon is guilty of a Class 6 felony. However, the provisions of this section do not apply to any person who:

(1) Is a law enforcement officer or member of the armed forces of the United States or South Dakota National Guard acting in the lawful discharge of duties;

(2) Has a valid state or federal license issued pursuant to law for such weapon or has registered such weapon with the proper state or federal authority pursuant to law;

(3) Possesses a controlled weapon briefly after having found it or taken it from an offender; or

(4) Possesses a controlled weapon, except a machine gun or short shotgun, under circumstances which negate any purpose or likelihood that the weapon would be used unlawfully.

§ 22-14-7. Reckless discharge of firearm or shooting of bow and arrow-Leaving trip device-Possession of loaded firearm while intoxicated-Misdemeanor. Any person who:

(1) Recklessly discharges a firearm or recklessly shoots a bow and arrow;

(2) Sets a device designed to activate a weapon upon being tripped or approached, and leaves the device unmarked or unattended by a competent person; or

(3) Has in personal possession a loaded firearm while intoxicated; is guilty of a Class 1 misdemeanor.

§ 22-14-8. Concealment of weapon with intent to commit felony-Felony. Any person who conceals on or about his person a controlled or dangerous weapon with intent to commit a felony is guilty of a Class 5 felony.

§ 22-14-9. Carrying pistol or revolver without a permit-Misdemeanor. Any person, other than a law enforcement officer as defined in §22-1-2 acting under color of authority, who:

(1) Carries a pistol or revolver, loaded or unloaded, concealed on or about his or her person without a permit as provided in chapter 23-7; or

(2) Carries a pistol or revolver, loaded or unloaded, concealed in any vehicle while operating the vehicle, without a permit as provided in chapter 23-7; is guilty of a Class 1 misdemeanor.

§ 22-14-9.1. Person possessing concealed pistol to have physical possession of valid permit-Violation as petty offense-Charge dismissed. No person may possess a concealed pistol in accordance with chapter 23-7 or this chapter unless that person also has in his or her physical possession a valid South Dakota permit to carry a concealed pistol or a permit effective pursuant to § 23-7-7.3. Any violation of this section is a petty offense. However, if within twenty-four hours of being charged with a

violation of this section, the person produces a permit to carry a concealed pistol which was valid at the time of the alleged offense in the office of the officer making the demand, the charge shall be dismissed.

§ 22-14-9.2. Holders of permits from reciprocal states subject to South Dakota laws-Misdemeanor. Any person who is permitted to carry a concealed pistol in a state with which the secretary of state has entered into a reciprocity agreement pursuant to § § 23-7-7.3, 22-14-9.1, 22-14-9.2, 23-7-7, 23-7-7.1, and 23-7-8 may carry a concealed pistol in this state if the permit holder carries the pistol in compliance with the laws of this state. A violation of this section is a Class 1 misdemeanor.

§ 22-14-10. Lawful uses of unloaded pistols or revolvers-Concealment-Exempt from permit requirement. The provisions of **§** 22-14-9 do not apply to any person carrying any unloaded pistol or revolver for the purpose of, or in connection with, any lawful use, if the unloaded pistol or revolver is carried:

(1) In the trunk or other closed compartment of a vehicle; or

(2) In a closed container which is too large to be effectively concealed on the person or within the person's clothing. The container may be carried in a vehicle or in any other manner.

(3) No person who complies with this section may be required to obtain a permit for the lawful uses described in this section.

§ 22-14-11. License not required for weapon in own home, business or property. The provisions of § 22-14-9 do not apply to any person who possesses a pistol or revolver in his or her own dwelling house or place of business or on land owned or rented by himself or herself or by a member of his or her household.

§ 22-14-12. Commission of felony while armed with firearms-Felony-Minimum sentences-Consecutive sentencing-Execution of sentence. Any person who commits or attempts to commit any felony while armed with a firearm, including a machine gun or short shotgun, is guilty of a Class 2 felony for the first conviction. A second or subsequent conviction is a Class 1 felony. The sentence imposed for a first conviction under this section shall carry a minimum sentence of imprisonment in the state penitentiary of five years. In case of a second or subsequent conviction under this section such person shall be sentenced to a minimum imprisonment of ten years in the penitentiary.

Any sentence imposed under this section shall be consecutive to any other sentences imposed for a violation of the principal felony. The court may not place on probation, suspend the execution of the sentence, or suspend the imposition of the sentence of any person convicted of a violation of this section.

§ 22-14-14. Armed felony to be charged separately from principal felony charge-No offense charged when dangerous weapon an element of principal felony. A violation of § 22-14-12 shall be charged in the indictment or information as a separate count in addition to the principal felony or attempted felony alleged to have been committed. No offense may be charged under those sections if the use of a dangerous weapon is a necessary element of the principal felony alleged to have been committed or attempted.

§ 22-14-15. Possession of firearm by one with prior violent crime conviction or certain drug-related conviction-Felony-Fifteen-year period. No person who has been convicted in this state or elsewhere of a crime of violence or a felony pursuant to § 22-42-2, 22-42-3, 22-42-4, 22-42-7, 22-42-8, 22-42-9, 22-42-10 or 22-42-19, may possess or have control of a firearm. A violation of this section is a Class 6 felony. The provisions of this section do not apply to any person who was last discharged from prison, jail, probation, or parole more than fifteen years prior to the commission of the principal offense.

§ 22-14-15.1. Possession of firearm by one with prior drug conviction-Felony-Exception. No person who has been convicted of a felony under chapter 22-42 or of a felony for a crime with the same elements in another state may possess or have control of a firearm. A violation of this section is a Class 6 felony. The provisions of this section do not apply to any person who was last discharged from prison, jail, probation, or parole, for a felony under chapter 22-42 more than five years prior to the commission of the principal offense and is not subject to the restrictions in § 22-14-15.

§ 22-14-15.2. Possession of firearm by one convicted of misdemeanor crime involving domestic violence-Misdemeanor-Civil rights restored-Repeal of section-Order restoring rights. No person who has been convicted of any misdemeanor crime involving an act of domestic violence may possess or have control of a firearm for a period of one year from the date of conviction. Any violation of this section is a Class 1 misdemeanor. At the end of the one year period, any civil rights lost as a result of this provision shall be restored. Any person who has lost their right to possess or

have control of a firearm as a result of a misdemeanor conviction involving an act of domestic violence, prior to July 1, 2005, shall be restored to those civil rights one year after July 1, 2005. This section shall be repealed on the date when any federal law restricting the right to possess firearms for misdemeanor domestic violence convictions is repealed.

Once eligible under the statute, a person convicted under this section may petition the convicting court for an order reflecting the restoration of any firearm rights lost, if the person has not been convicted within the prior year of a crime for which firearm rights have been lost. A petition filed under this section shall be verified by the petitioner and served upon the states attorney in the county where the conviction occurred. Thirty days after service upon the states attorney, the court shall enter the order, if the court finds that the petitioner is eligible for relief under this section. (This section is repealed under its own terms on the date when any federal law restricting the right to possess firearms for misdemeanor domestic violence convictions is repealed.)

§ 22-14-16. Providing firearm to person with known prior violent crime conviction-Felony. Any person who knows that another person is prohibited by § 22-14-15 or § 22-14-15.1 from possessing a firearm, and who knowingly gives, loans, or sells a firearm to that person is guilty of a Class 6 felony.

§ 22-14-17. Firearms incapable of discharge exempt. The provisions of this chapter do not apply to any firearm which has been permanently altered so it is incapable of being discharged.

§ 22-14-20. Discharge of firearm at occupied structure or motor vehicle -Felony. Any person who willfully, knowingly and illegally discharges a firearm at an occupied structure or motor vehicle is guilty of a Class 3 felony.

§ 22-14-21. Discharge of firearm from a moving motor vehicle within municipality-Felony. Any person who willfully, knowingly and illegally discharges a firearm from a moving motor vehicle within the incorporated limits of a municipality under circumstances not constituting a violation of § 22-14-20 is guilty of a Class 6 felony.

§ 22-14-22. County courthouse defined. For the purposes of §§ 22-14-23 to 22-14-28, inclusive, the term, county courthouse, means the state capitol or any building occupied for the public sessions of a circuit court, with its various offices. The term includes any building appended to or used as a supplementary structure to the courthouse.

§ 22-14-23. Possession in county courthouse-Misdemeanor. Except as provided in § 22-14-24, any person who knowingly possesses or causes to be present any firearm or other dangerous weapon, in any county courthouse, or attempts to do so, is guilty of a Class 1 misdemeanor.

§ 22-14-24. Exceptions to penalty for possession in a county courthouse. The provisions of § 22-14-23 do not apply to:

(1) The lawful performance of official duties by an officer, agent or employee of the United States, the state, political subdivision thereof, or a municipality, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law or an officer of the court;

(2) Possession by a judge or magistrate;

(3) The possession of a firearm or other dangerous weapon by a federal or state official or member of the armed services if such possession is authorized by law; or

(4) The lawful carrying of firearms, or other dangerous weapons in a county courthouse incident to hunting, or gun safety course or to other lawful purposes.

§ 22-14-25. Power of court to punish and promulgate rules. Nothing in this chapter limits the power of a court to punish for contempt or to promulgate rules or orders regulating, restricting or prohibiting the possession of weapons, within any building housing such court or any of its proceedings, or upon any grounds pertinent to such building.

§ 22-14-26. Notice of provisions to be posted at county courthouse. Notice of the provisions of § 22-14-23 shall be posted conspicuously at each public entrance to each county courthouse.

§ 22-14-27. Concealed weapons permit not a defense. It is not a defense to a prosecution under § 22-14-23 that the defendant was the holder of a concealed weapons permit issued pursuant to §§ 23-7-7 and 23-7-7.1.

§ 22-14-28. Waiver of provisions. By a majority of the members-elect, the county commission in any county may elect to waive the provisions of § 22-14-23.

Chapter 23-7

Firearms Control

§ 23-7-1. Definitions applicable to chapter. Terms used in this chapter, unless the context otherwise requires, mean:

(1) "Antique firearm," a firearm as defined in subdivision 22-1-2 (4);

(2) "Concealed," a firearm as defined in subdivision 22-1-2 (6);

(3) "Crime of violence," an action as defined in subdivision 22-1-2 (9);

(4) "Pistol," a firearm as defined in subdivision 22-1-2 (32);

(5) "Seller," a person as defined in subdivision 22-1-2 (44).

§ 23-7-1.1. Antique or nondischargeable firearms excepted. This chapter shall not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged.

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

§ 23-7-7.1. Requirements for issuance of temporary permit Time requirement-Appeal of denial. A temporary permit to carry a concealed pistol shall be issued within five days of application to a person if the applicant:

(1) Is eighteen years of age or older;

(2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence;

(3) Is not habitually in an intoxicated or drugged condition;

(4) Has no history of violence;

(4) Has not been found in the previous ten years to be a "danger to others" or a "danger to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;

(6) Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application;

(7) Has had no violations of chapter § 23-7, 22-14, or 22-42 constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense;

(8) Is a citizen or legal resident of the United States; and

(9) Is not a fugitive from justice.

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

§ 23-7-7.2. Liability of issuing authority. No issuing authority, that has issued the permit in conformity with this chapter, is civilly liable to any injured person or his estate for any injury suffered, including any action for any wrongful death or property damage suffered, because of the issuance of a concealed weapons permit, or temporary permit, to any person. For purposes of this section, the Division of Criminal Investigation is considered an issuing authority when issuing a certificate of completion pursuant to § 23-7-59.

§ 23-7-7.3. Reciprocity with other states-Conditions. The attorney general shall compare South Dakota permit issuance statutes with the permit issuance statutes in states with which reciprocity is sought or requested in order to determine whether the laws of the other state meet or exceed the requirements of this chapter for the issuance of a permit.

The secretary of state may enter into reciprocity agreements with other states after the attorney general has notified the secretary of state that the other states' laws meet or exceed the provisions of this chapter.

§ 23-7-7.4. Nonresident permit to carry concealed pistol-Validity in South Dakota-Application. Any valid permit to carry a concealed pistol, issued to a nonresident of South Dakota, is valid in South Dakota according to the terms of its issuance in the state of its issue, but only to the extent that the terms of issuance comply with any appropriate South Dakota statute or promulgated rule. However, if the holder of such a nonresident permit to

carry a concealed pistol becomes, at any time, a legal resident of South Dakota, the provisions of this section no longer apply.

§ 23-7-7.5. Active duty military personnel and spouses. Any person who is active duty military, or the spouse of a person who is active duty military, with a home of record in South Dakota is considered to have met the provisions of subdivision **§** 23-7-7.1(6).

§ 23-7-7.6. Time requirement for INTERPOL check. Notwithstanding the five day requirement provided in § 23-7-7.1, if the background investigation under § 23-7-7 requires an international criminal history check through INTERPOL, the sheriff shall issue a temporary permit to carry a concealed pistol within three business days of receiving a response from INTERPOL if the applicant otherwise meets the requirements of § 23-7-7.1.

§ 23-7-8. Application for permit or enhanced permit-Form and contents-Copies. Application for permit, enhanced permit, or gold card permit to carry concealed pistol. The application for a permit to carry a concealed pistol, enhanced permit to carry a concealed pistol, or a gold card permit to carry a concealed pistol shall be filed either electronically or in triplicate on a form prescribed by the secretary of state. The application shall require the applicant's complete name, address, occupation, place and date of birth, country of citizenship, physical description, a statement that the applicant has never pled guilty to, nolo contendere to, or been convicted of a crime of violence, a sworn statement that the information on the application is true and correct, and the applicant's signature. If the applicant is not a United States citizen, the application shall require any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement. If filed in triplicate, the original shall be delivered to the applicant as the temporary permit, the duplicate shall within seven days be sent by first class mail to the secretary of state who shall issue the official permit, and the triplicate shall be preserved for five years by the authority issuing the permit. If the application is filed electronically, two copies shall be made and each shall be signed by the applicant. One copy shall be delivered to the applicant as the temporary permit, and the other copy shall be preserved for five years by the authority issuing the permit.

§ 23-7-8.1. Form and contents of permit and enhanced permit. The secretary of state shall prescribe the form of the permit to carry a concealed pistol and the form of form of the gold card permit to carry a concealed

pistol pursuant to § 23-7-8. Each permit shall list the applicant's name, address, the expiration date, and the issuance date of the permit. The enhanced permit to carry a concealed pistol must clearly designate that the permit is enhanced and the gold card permit must clearly designate that it is a gold card permit to carry a concealed pistol. The holder of a permit may carry a concealed pistol anywhere in South Dakota except in any licensed on-sale malt beverage or alcoholic beverage establishment that derives over one-half of its total income from the sale of malt or alcoholic beverages. Nothing in this section prevents law enforcement officers, Department of Corrections employees, parole agents, security guards employed on the premises, and other public officials with the written permission of the sheriff from carrying concealed weapons in the performance of their duties or prevents home or business owners from carrying concealed weapons on their property pursuant to § 22-14-11.

§ 23-7-8.2. Duration of permit-Fee. The permit to carry a concealed pistol is valid for a period of five years from the date of issuance. The fee for issuing the permit is ten dollars. The local authority shall collect the fee. Seven dollars of the fee shall be remitted to the secretary of state and three dollars shall be deposited in the general fund of the county or municipality issuing the permit.

§ 23-7-8.3. Permit issued to specific person-Transfer prohibited. A permit to carry a concealed pistol shall be issued to a specific person only and may not be transferred from one person to another.

§ 23-7-8.4. Revocation of permit-Procedure. A prosecuting attorney, upon application of a law enforcement officer, may apply to the circuit court for an order to show cause why a person's permit to carry a concealed pistol should not be revoked. Upon order of the court, after hearing, the permit shall be revoked and the holder of the permit shall immediately surrender the permit to the sheriff of the county in which he resides.

§ 23-7-8.6. List, record, or registry of privately owned firearms, owners of firearms, or holders of permits prohibited. No state agency, political subdivision, official, agent, or employee of any state agency or political subdivision may knowingly keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms, or any list, record, or registry of holders of permits to carry a concealed pistol.

§ 23-7-8.7. Application of firearm confidentiality provisions. The provisions of § 23-7-8.6 do not apply to:

(1) Records of firearms that have been used in committing any crime;

(2) Permits to carry a concealed pistol records relating to any person who has been convicted of a felony;

(3) Records of the serial numbers of firearms that have been reported stolen that are retained for a period not in excess of ten days after such firearms are recovered and returned to the lawful owner. However, official documentation recording the theft of a recovered weapon may be maintained no longer than the balance of the year entered and two additional years;

(4) Firearm records that must be retained by firearm dealers under federal law, including copies of such records transmitted to law enforcement agencies;

(5) Any on duty law enforcement officer while conducting routine verification of the validity of a permit to carry a concealed pistol;

(6) The secretary of state for the issuance of concealed pistol permits pursuant to chapter 23-7 and any access reasonably necessary to verify information with regard to specific permits individually; and

(7) The preservation of the triplicate copy of the application for a permit to carry a concealed pistol by the authority issuing the permit as required by § 23-7-8.

§ 23-7-8.8. Law enforcement officer not restricted in performance of official duty under specified circumstances. The provisions of §§ 23-7-8.6 to 23-7-8.9, inclusive, do not restrict any law enforcement officer in the performance of any official duty if the law enforcement officer is in the immediate physical presence of a permit holder who has either presented a permit to the officer or declared to the officer that he or she is a permit holder.

§ 23-7-8.9. Retention of data by law enforcement officer limited. The provisions of §§ 23-7-8.6 to 23-7-8.9, inclusive, do specifically prohibit any law enforcement officer from retaining any notes, data, or pieces of information, either collectively or individually, unless the retention of such notes, data, or pieces of information is pertinent to a specific ongoing investigation or prosecution. Access by law enforcement to information necessary to perform a periodic National Instant Criminal Background Check of gold card or enhanced pistol permit holders under § 23-7-68 is authorized.

§ 23-7-8.10. Access restricted to application, record, or registry of holders of permits. No state agency, political subdivision, official, agent, employee of any state agency or political subdivision, may knowingly release or permit access to any application, list, record or registry of applicants or holders of permits to carry a concealed pistol to any person except another law enforcement agency or the secretary of state.

§ 23-7-8.11 Renewal of regular permit to carry concealed pistol. The holder of the regular permit to carry a concealed pistol may renew the permit through the sheriff of the county where the holder resides for a period beginning ninety days before the permit expires. The holder shall pay a ten dollar renewal fee and pass a background investigation, including a criminal history check of available online records, pursuant to § 23-7-7 prior to the renewal of the permit. The renewal fee shall be distributed as set forth in § 23-7-8.2.

§ 23-7-8.12 Renewal of regular concealed carry permit by deployed military service member. If a South Dakota resident holds a regular concealed carry permit issued in accordance with § 23-7-7 and is a member of a state National Guard unit, the Armed Forces of the United States, or the Armed Forces Reserves of the United States and the holder's permit expires during an active duty military assignment or deployment outside of the holder's state of residence, the holder may request a renewal form application from the Office of the Secretary of State. The Office of the Secretary of State shall prescribe the contents of the application form and any accompanying materials. The application must be accompanied by documentation of the deployment, including dates and location of the deployment if available for disclosure; an affidavit signed by the holder's commanding officer or unit commander attesting to the identity of the holder and the fact the holder is unable to return to the state to renew; and a copy of a current, valid, government-issued identification card with a photograph of the holder. The Office of the Secretary of State shall specify the contents of the affidavit. The holder shall mail the application, containing original signatures in ink, to the sheriff in the holder's county of residence. The sheriff will conduct the background investigation, including a criminal history check of available online records pursuant to § 23-7-7, within five days of receipt of the military application renewal form. The original signature of the applicant on the renewal form shall serve as the applicant's signature for the temporary permit.

§ 23-7-8.13. Grace period for renewal of permit--Warning ticket for carrying concealed pistol with expired permit. Upon the expiration of a permit to carry a concealed pistol that was issued pursuant to this chapter, the permit holder has a sixty-day grace period to renew the permit. During the grace period, the permit holder may continue to carry a concealed pistol and the permit holder is not in violation of § 22-14-9.

Notwithstanding this provision, a law enforcement officer may issue a warning ticket to any permit holder during the grace period who is carrying a concealed pistol with an expired permit. The warning ticket shall provide notification that the permit holder's permit is expired and that the permit holder has sixty days from the expiration date to renew the permit.

§ 23-7-8.14. Grace period not applicable to certain permit holders. The grace period provided in § 23-7-8.13 does not apply to any permit holder who committed a crime that would make it unlawful for the permit holder to own or possess a gun, or a permit holder who attempted to renew the holder's permit, but was denied renewal upon application for a reason provided in § 23-7-7.1.

§ 23-7-9. Pistol to be delivered wrapped and unloaded-Violation as misdemeanor. When a pistol is delivered, the pistol shall be securely wrapped and shall be unloaded. A pistol that is securely wrapped and delivered to a purchaser pursuant to this section is not a concealed weapon under § 22-14-9. A violation of this section is a Class 1 misdemeanor.

§ 23-7-11. Regulation does not apply to sale of pistols at wholesale. Sections 23-7-7 to 23-7-12, inclusive, do not apply to sales at wholesale.

§ 23-7-12. False information or false evidence of identity to secure pistol or permit as felony. No person, in purchasing or otherwise securing delivery of a pistol or in applying for a permit to carry a concealed pistol, may give false information or offer false evidence of his identity. A violation of this section is a Class 6 felony.

§ 23-7-18. Sale of pistol by retail dealer-Restrictions-Misdemeanor. No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A violation of this section is a Class 1 misdemeanor.

§ 23-7-43. New serial number engraved or stamped on firearm. Upon application by an owner of a firearm, the Director of the Division of Criminal Investigation shall engrave or stamp a new serial number on any firearm on which the manufacturer's serial number has been changed, altered, removed or obliterated.

§ 23-7-44. Possession of pistols by minors prohibited-Misdemeanor. No person under the age of eighteen years may knowingly possess a pistol. A violation of this section is a Class 1 misdemeanor.

§ 23-7-45. Exceptions to prohibition against possession of pistols by minors. The provisions of § 23-7-44 or to a criminal prosecution brought after transfer pursuant to chapter 26-11, do not apply to any minor who has the consent of the minor's parent or guardian to possess such pistol, and:

(1) That the minor was in the presence of the minor's parent or guardian;

(2) That the minor was on premises owned or leased by the minor or the minor's parent, guardian, or immediate family member;

(3) That the minor was in the presence of a licensed or accredited gun safety instructor; or

(4) That the pistol was being used for farming, ranching, hunting, trapping, target shooting, or gun safety instruction.

§ 23-7-46. Prohibited transfer of firearms and ammunition to juveniles-Felony. No person may sell, transfer, give, loan, furnish, or deliver a firearm or firearm ammunition to any person under the age of eighteen years if such person knows or reasonably believes that the minor recipient of the transfer intended, at the time of transfer, to use the firearm or ammunition in the commission or attempted commission of a crime of violence as defined in subdivision 22-1-2(9). The affirmative defenses contained in chapter 23-7 do not apply to a prosecution under this section. A violation of this section is a Class 5 felony.

Chapter 23-7-53 – 23-7-68; 25-10-24
Enhanced and Gold Card Permits

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

(1) The application for the optional enhanced permit to carry a concealed pistol;

(2) A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal history background check;

(3) An authorization to run a fingerprint background check;

(4) A separate payment for the cost of processing the fingerprint background check and, if the sheriff takes the fingerprints, the sheriff shall secure the fingerprints at no additional charge to the applicant;

(5) A separate application fee of one hundred dollars for the optional permit to carry a concealed pistol which shall be distributed fifty percent to the sheriff and fifty percent to the secretary of state to be used by the secretary of state to administer the concealed carry program; and

(6) Proof that the applicant has successfully completed a qualifying handgun course as defined in § 23-7-58 within the preceding twelve months or proof that the applicant is a current or former South Dakota law enforcement officer.

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

§ 23-7-54. Temporary enhanced permit to carry concealed pistol—Requirements-Records. The sheriff shall retain the application and other documents until the sheriff receives the results of the background checks required pursuant to § 23-7-53. Within seven days following receipt of a confirmation that the applicant passed each criminal background check required pursuant to this section and § 23-7-53, the sheriff shall file the application with the secretary of state pursuant to § 23-7-8.

If the applicant submits an application pursuant to § 23-7-53, meets the requirements of § 23-7-7.1, is not otherwise prohibited by state law, 18 U.S.C. 922(g) as amended to October 26, 2005, or 18 U.S.C. 922(n) as amended to October 26, 2005, from receiving, possessing, or transporting a firearm, passes the required fingerprint background check, and passes a National Instant Criminal Background Check, the sheriff of the county where the applicant submitted the application shall, within thirty days of application, issue the applicant a temporary enhanced permit to carry a concealed pistol. The temporary permit must clearly designate that the permit is enhanced.

§ 23-7-54.2 Age requirement for enhanced permit--Temporary restricted enhanced permit for individuals age eighteen to twenty. Notwithstanding any other law, the age requirement for the enhanced permit is for twenty-one years of age or older.

Any applicant between eighteen to twenty years of age, inclusive, who meets the requirements of §§ 23-7-53 and 23-7-54 and any other specified requirements and qualifications and upon the approval from the sheriff of the county where the applicant submitted the application shall be issued a temporary restricted enhanced permit that clearly designates the restricted enhanced permit is for individuals eighteen to twenty years of age, inclusive.

§ 23-7-54.3 New temporary restricted enhanced permit substituted for permit issued between July 1, 2015 and March 9, 2018. Any individual between eighteen and twenty years of age, inclusive, holding an enhanced concealed carry permit, issued between July 1, 2015, and March 9, 2018, shall be issued a new temporary restricted enhanced permit that designates the permit is for individuals eighteen to twenty years of age, inclusive.

§ 23-7-54.4 Request for unrestricted enhanced permit upon reaching age twenty-one. A person holding an unexpired restricted enhanced permit who has reached the age of twenty-one may submit a written request to the secretary of state for an unrestricted enhanced permit. The unrestricted enhanced permit shall be issued at no additional cost.

§ 23-7-55. Duration of enhanced permit to carry concealed pistol - Identification required. An enhanced permit to carry a concealed pistol is valid for five years and is only valid if carried with a government issued form of identification that includes a picture of the permit holder.

§ 23-7-56. Renewal of enhanced permit to carry concealed pistol. The holder of the permit may renew the permit through the sheriff of the county where the holder resides for a period beginning ninety days before the permit expires and ending thirty days after expiration of the permit, if the holder pays the fifty dollar renewal fee and passes a National Instant Criminal Background Check. If the holder of the enhanced permit to carry a concealed pistol does not renew the permit within thirty days of expiration of the permit, the holder must reapply for an enhanced permit to carry a concealed pistol pursuant to § 23-7-53.

§ 23-7-57. References, rights, and responsibilities related to permit to carry concealed pistol apply to enhanced permit. References, rights, and responsibilities related to permit to carry concealed pistol apply to enhanced permit and gold card permit. Unless otherwise specified, the references, rights, and responsibilities in this chapter related to a permit to carry a concealed pistol also apply to an enhanced permit to carry a concealed pistol and a gold card permit to carry a concealed pistol.

§ 23-7-58. Qualifying handgun course. A qualifying handgun course is any handgun course that is taught by a National Rifle Association certified instructor who also holds a current certificate of completion from the South Dakota Division of Criminal Investigation on the use of force. The qualifying handgun course must include instruction in each of the following:

(1) South Dakota law relating to firearms and the use of force;

(2) The basic concepts of the safe and responsible use of handguns;

(3) Self-defense principles; and

(4) Live fire training including the firing of at least ninety-eight rounds of ammunition by the student.

§ 23-7-59. Use of force course for instructors. The Division of Criminal Investigation shall offer at least one course focused on the use of force, including applicable state laws, per year, open to National Rifle Association certified instructors. The Division of Criminal Investigation shall develop the use of force course and may promulgate rules pursuant to chapter 1-26 to establish the course standards for the issuance of a certificate of completion, establish a fee for the course not to exceed one hundred fifty dollars, and to implement the course.

§ 23-7-60. Application for gold card permit to carry concealed pistol. An applicant may submit an application to the sheriff of the county in which the applicant resides for a gold card permit to carry a concealed pistol. The application shall include:

(1) The application for the gold card permit to carry a concealed pistol;

(2) A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal history background check;

(3) An authorization to run a fingerprint background check;

(4) A separate payment for the cost of processing the fingerprint background check; and

(5) A separate application fee of seventy dollars for the gold card permit to carry a concealed pistol. Thirty dollars of the fee shall be distributed to the sheriff, thirty-four dollars shall be distributed to the Department of Public Safety, and six dollars to the secretary of state to be used by the secretary of state to administer the concealed carry program.

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

23-7-61. Temporary gold card permit to carry concealed pistol--Requirements--Records. The sheriff shall retain the application and other documents until the sheriff receives the results of the background checks required pursuant to § 23-7-60. Within seven days following receipt of a confirmation that the applicant passed each criminal background check required pursuant to this section and § 23-7-60, the sheriff shall file the application with the secretary of state pursuant to § 23-7-8.

If the applicant submits an application pursuant to § 23-7-8, meets the requirements of § 23-7-7.1, is not otherwise prohibited by state law, 18 U.S.C. 922(g) as amended to October 26, 2005, or 18 U.S.C. 922(n) as amended to October 26, 2005, from receiving, possessing, or transporting a firearm, passes the required fingerprint background check, and passes a National Instant Criminal Background Check, the sheriff of the county of the application shall, within thirty days of application, issue the applicant a temporary gold card permit to carry a concealed pistol. The temporary permit must clearly designate that the permit is a gold card permit.

§ 23-7-62. Renewal of gold card permit to carry concealed pistol. The holder of the gold card permit to carry a concealed pistol may renew the permit through the sheriff of the county where the holder resides, no earlier than ninety days prior to the expiration of the permit. The holder shall pay a seventy dollar renewal fee and pass a National Instant Criminal Background Check prior to the renewal of the permit. The renewal fee shall be distributed as set forth in subdivision § 23-7-60(5).

§ 23-7-63. Duration of gold card permit to carry concealed pistol. The gold card permit to carry a concealed pistol is valid for a period of five years from the date of issuance.

§ 23-7-64. Revocation of gold card or enhanced permit to carry concealed pistol-Sheriff to secure return of permit--Petition for return of permit. A gold card permit to carry a concealed pistol or an enhanced permit to carry a concealed pistol is automatically revoked upon failure to maintain the requirements under § 23-7-7.1 or if the gold card or enhanced permit holder becomes prohibited by state law, 18 U.S.C. 922(g) as amended to October 26, 2005, or 18 U.S.C. 922(n) as amended to October 26, 2005, from receiving, possessing, or transporting a firearm.

Upon such occurrence, the permit holder shall immediately return the gold card or enhanced concealed pistol permit to the county sheriff of the permit holder's county of residence. If the permit has not been returned, upon learning that a permit holder is ineligible for a gold card or enhanced permit for any violent crime or for a crime punishable by more than one year of incarceration, the sheriff of the permit holder's county of residence shall secure the possession and return of the gold card or enhanced permit forthwith. For any other disqualifying offense set forth above the sheriff of the permit holder's county of residence shall secure the possession and return of the gold card or enhanced permit as soon as reasonably possible after being notified of the holders ineligibility. A gold card or enhanced permit holder whose permit has been secured by law enforcement under this section may petition the circuit court for the return of the gold card or return of the gold card or enhanced permit as soon as reasonably possible after being notified of the holders ineligibility. A gold card or enhanced permit holder whose permit has been secured by law enforcement under this section may petition the circuit court for the return of the gold card or enhanced permit if the permit holder believes the gold card or enhanced permit was unlawfully secured. Law enforcement may communicate with federally licensed firearms dealers relative to revoked gold card or enhanced permits.

§ 23-7-65. Possession of revoked gold card or enhanced concealed pistol permit as misdemeanor. It is a Class 1 misdemeanor for anyone that is ineligible to possess a gold card or enhanced concealed pistol permit to possess or present a revoked gold card or enhanced concealed pistol permit.

§ 23-7-66. Surrender to court of revoked gold card or enhanced concealed pistol permits. If any person is convicted of any offense which results in the automatic revocation of a gold card or enhanced permit to carry a concealed pistol under this chapter, the court entering the conviction shall require the surrender to the court of all gold card or enhanced concealed pistol permits held by the person convicted. The court shall forward all gold card and enhanced concealed pistol permits to the sheriff of the defendant's county of residence.

§ 23-7-67 Failure or refusal to surrender revoked gold card or enhanced permit as misdemeanor. It is a Class 1 misdemeanor for a person to fail or refuse to surrender to the county sheriff of the person's county of residence, upon lawful demand, a gold card or enhanced permit to carry a concealed pistol that has been revoked. If a person fails to return a gold card or enhanced permit to the sheriff of the person's county of residence after lawful demand, the sheriff shall direct a law enforcement

officer to secure its possession and return in compliance with § 23-7-64. The law enforcement officer shall receive ten dollars and fifty cents plus mileage, at a rate established by the State Board of Finance, to be paid by the violator. Failure to pay the fee and mileage is a Class 2 misdemeanor.

§ 23-7-68. National Instant Criminal Background Check of gold card or enhanced concealed pistol permit holders. Law enforcement may periodically perform a National Instant Criminal Background Check of gold card or enhanced concealed pistol permit holders for the purposes of determining whether the permit holder remains eligible for the permit under § 23-7-7.1, 18 U.S.C. 922(g) as amended to October 26, 2005, and 18 U.S.C. 922(n) as amended to October 26, 2005.

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

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

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

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

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

§ 25-10-24. Surrender of weapon or concealed pistol permit. The court may require the defendant to surrender any dangerous weapon or any concealed pistol permit issued under 23-7 in the defendant's possession to local law enforcement.

Chapter 32-20

Motorcycle Regulation

§ 32-20-6.6. Carrying firearm on motorcycle or off-road vehicle-Exception for holder of concealed pistol permit or disabled hunter permit-Enforcement-Violation as misdemeanor. No person, other than a law enforcement officer or conservation officer, or any person on the person's own land or land leased by the person, may operate or ride on any motorcycle or off-road vehicle with any firearm in the person's possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm. However, this section does not apply to any person who is carrying a pistol and possesses a permit to carry a concealed pistol issued pursuant to chapter 23-7. This section does not apply to any person who holds a permit issued pursuant to § 41-8-37 while engaged in hunting from an off-road vehicle in accordance with the provisions of the permit. This section shall be enforced by all law enforcement officers including conservation officers. A violation of this section is a Class 2 misdemeanor.

Chapter 32-20A

Snowmobile Operation

§ 32-20A-11. Restrictions on carrying of firearms-Violation as misdemeanor. Except as provided in § 32-20A-12, no person other than a law enforcement officer or conservation officer, or any person on the person's land or land leased by the person, may operate or ride in any snowmobile with any firearm in the person's possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm. However, the restrictions in this section to not apply to any person who is carrying a pistol and possesses a permit to carry a concealed pistol issued pursuant to chapter 23-7. A violation of this section is a Class 2 misdemeanor.

Municipal, Township or County Government

No municipal, township or county government in South Dakota may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. (See SDCL § 9-19-20, 8-5-13 and 7-18A-36)

Chapter 13-32

Supervision of Students and Conduct of School

§ 13-32-7. Possession of firearms on elementary or secondary school premises or vehicle as misdemeanor-Exceptions. Any person, other than a law enforcement officer or school sentinel acting pursuant to § 13-64-1, who intentionally carries, has in his possession, stores, keeps, leaves, places, or puts into the possession of another person, any firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes, or any dangerous weapon, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions, whether or not any person is endangered by such actions, is guilty of a Class 1 misdemeanor. This section does not apply to starting guns while in use at athletic events, firearms, or air guns at firing ranges, gun shows, and supervised schools or sessions for training in the use of firearms. This section does not apply to the ceremonial presence of unloaded weapons at color guard ceremonies.

The Law Enforcement Officers Safety Act of 2004

The Law Enforcement Officers Safety Act (LEOSA) of 2004 amended the Federal criminal code to authorize qualified law enforcement officers or qualified retired law enforcement officers carrying the photographic identification issued by their governmental agency, notwithstanding any other provision of the law of any State or political subdivision thereof, to carry a concealed firearm. The federal law provides that such authorization shall not supersede State laws that: (1) permit private entities to prohibit the possession of concealed firearms on their property; or (2) prohibit the possession of firearms on State or local government property. The law also excludes from the definition of "firearm" any machine gun, firearm silencer, or destructive device. Click here to view the Enrolled Act.

The LEOSA was amended in 2010 to extend the coverage to include law enforcement officers of Amtrak Police, Federal Reserve Police and law enforcement officers of the executive branch of the Federal Government, along with military law enforcement personnel. The aggregate years for retired officers was reduced from fifteen to ten. Click here to view the 2010 amendment.

The LEOSA was further amended in 2013 to clarify the definition of "qualified active" and "qualified retired" law enforcement officer, along with the term "police officer", expanding the powers of arrest requirement definition to include those who have or had the authority to "apprehend" suspects under the Uniform Code of Military Justice. Click here to view the 2013 amendment.

National Parks

For regulations on concealed carry within National Parks, please contact the National Park Service for up-to-date information.

http://www.nps.gov/state/sd/index.htm

Chapter 2:01:17
Enhanced Concealed Pistol Use of Force Training Program Minimum Standards

Section

2:01:17:01 Minimum standards for use of force course.

2:01:17:02 Submission of use of force training application.

2:01:17:03 Filing of fingerprints.

2:01:17:04 Reapplication for use of force training course.

2:01:17:05 Expiration of training.

2:01:17:01. Minimum standards for use of force course. A person may attend the use of force course only if the person meets the following requirements:

(1) Is currently certified as a National Rifle Association handgun instructor;

(2) Has a valid South Dakota concealed weapons permit or is a current or retired law enforcement officer in good standing;

(3) Has fingerprints taken by a qualified law enforcement agency; and

(4) Is of good moral character.

2:01:17:02. Submission of a use of force training application. An applicant to the use of force training course shall complete the use of force training course application provided by the law enforcement training office and return the application with two sets of the fingerprint cards required by subdivision 2:01:17:01(3).4

2:01:17:03. Filing of fingerprints. An applicant's fingerprints taken under subdivision 2:01:17:01(3) may be distributed to local, state, and national fingerprint files to disclose if the applicant has a criminal record.

2:01:17:04. Reapplication for use of force training course. An applicant who has failed to successfully complete the use of force training course, or has been dismissed from the program under § 2:01:18:08, may reapply after one year.

2:01:17:05. Expiration of training. The use of force training certificate of completion issued under § 2:01:18:01 expires on the last day of the twenty-fourth calendar month on the certificate of completion.

Chapter 2:01:18
Enhanced Concealed Pistol Use of Force Training Program

Section

2:01:18:01 Certification of completion.

2:01:18:02 Approved training course.

2:01:18:03 Successful completion of training course.

2:01:18:04 Time course is conducted.

2:01:18:05 Place of training.

2:01:18:06 Training course fee.

2:01:18:07 Discipline during training course.

2:01:18:08 Dismissal.

2:01:18:01. Certificate of completion. Upon successful completion of the training course required by this chapter, the law enforcement training office shall issue a certificate indicating that the individual successfully completed the use of force training course.

2:01:18:02. Approved training course. The use of force training course shall consist of a curriculum of at least eight hours of training and includes the following subject areas:

(1) Use of force; and

(2) Legal aspects.

2:01:18:03. Successful completion of training course. An applicant, to successfully complete the use of force training course, must receive a passing score on all written and skills examinations administered in connection with the course. The executive secretary, at the direction of the commission, shall establish rules of internal management setting forth the passing score for each examination. The executive secretary shall, prior to the commencement of the training course, notify applicants of the level of performance that constitutes a passing score for each examination. An applicant may retake the examination within seven days of failing. An applicant may not take an examination more than twice. The executive secretary may, for cause, allow an applicant to retake an examination at other times.

2:01:18:04. Time course is conducted. The use of force training course shall commence at the time the executive secretary deems appropriate, but at least once per year.

2:01:18:05. Place of training. Unless otherwise stated by the executive secretary, the use of force training course is conducted at the criminal justice training center in Pierre, South Dakota.

2:01:18:06. Training course fee. An applicant attending the use of force training course shall pay Law Enforcement Training a $150.00 fee.

2:01:18:07. Discipline during training course. The executive secretary may enforce restrictions and rules of internal management as necessary to maintain the orderly instruction of individuals and efficient operation of the use of force training course. Individuals must comply with such restrictions and rules as set forth by the executive secretary in the basic training course student handbook, or such other specific directives as the executive secretary may issue.

2:01:18:08. Dismissal. The executive secretary may dismiss, from the use of force training course, any person who violates any restrictions or rule established by the executive secretary to administer or maintain order during the training course.

Sample Application

STATE OF SOUTH DAKOTA
Application and Temporary Permit to Carry Concealed Pistol

☐ Regular ☐ Gold Card ☐ Enhanced
☐ New ☐ Renewal ☐ Restricted 18 to 20

Name _____
Last First Middle

Physical Address _____
City State Zip

Mailing Address _____
(If different from physical address) City State Zip

Driver's License/ID Number _____ Occupation _____

Weight _____ Height _____ Eye Color _____ Hair Color _____
(feet / inches)

Date of Birth _____ Place of Birth _____
(MM/DD/YYYY)

Country of Citizenship _____ Alien/Admission Number _____
(If not US citizen, include number)

I certify that I am the applicant described and that the above information is true and correct. I further certify that I have never pled guilty to, nolo contendere to, or been convicted of a crime of violence. I declare and affirm under the penalties of perjury that this application has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Date _____ Applicant's Signature _____

The official permit to carry a concealed pistol will be mailed to the above address within 30 days of the Sheriff's signature.

Steve Barnett
Secretary of State

Sheriff's Signature _____
(Not valid until approved and signed by the Sheriff)

County _____ Date _____
(Must be dated)

Regular Permit Fee $10 Regular Permit Gold Card Permit Enhanced Permit
Gold Card Permit Fee $70 DCI Check: Yes No Fingerprint Check: Yes No Fingerprint Check: Yes No
Enhanced Permit Fee $100 (Please circle Yes or No) Training: Yes No

Sample Pistol Permits

South Dakota

Secretary of State

500 E. Capitol Avenue, Suite 204

Pierre, SD 57501

Phone: (605) 773-3537

Fax: (605) 773-6580

Email: pistolpermit@state.sd.us

Website: www.sdsos.gov

Printed by the Secretary of State

Cost of $.25 per copy

Last Revised: 01/07/2019