

AN ACT

ENTITLED, An Act to provide for an optional enhanced permit to carry a concealed pistol.

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

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

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;
- (5) A separate application fee of one hundred dollars for the optional permit to carry a concealed pistol which shall be distributed fifty dollars to the sheriff and fifty dollars 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 section 6 of this Act 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.

Section 2. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as follows:

The sheriff shall retain the application and other documents until the sheriff receives the results

of the background checks required pursuant to section 1 of this Act. Within seven days following receipt of a confirmation that the applicant passed each criminal background check required pursuant to this section and section 1 of this Act, the sheriff shall file the application with the secretary of state pursuant to § 23-7-8.

If the applicant submits an application pursuant to section 1 of this Act, meets the requirements of § 23-7-7.1, 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.

Section 3. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as follows:

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.

Section 4. 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 section 1 of this Act.

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

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

Section 6. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as follows:

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.

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

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.

Section 8. That § 23-7-7.2 be amended to read as follows:

23-7-7.2. 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 section 7 of this Act.

Section 9. That § 23-7-8 be amended to read as follows:

23-7-8. The application for a permit to carry a concealed pistol or an enhanced 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, 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 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 four 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 four years by the authority issuing the permit.

Section 10. That § 23-7-8.1 be amended to read as follows:

23-7-8.1. The secretary of state shall prescribe the form of the permit to carry a concealed pistol and the form of the enhanced permit to carry a concealed pistol pursuant to § 23-7-8. Each permit shall list the applicant's name, address, and the expiration date of the permit. The enhanced permit to carry a concealed pistol must clearly designate that the permit is enhanced. 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, 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.

Section 11. If a person's civil rights, including the right to possess a weapon, are restored pursuant to state law, a person is not prohibited from obtaining a permit to carry a concealed pistol or an enhanced permit to carry a concealed pistol under state law.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1215

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1215

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State