

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

940W0179

HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1215** - 02/11/2015

Introduced by: Representatives Brunner, Craig, Johns, Kaiser, Klumb, May, and Russell and
Senators Greenfield (Brock), Cammack, Ewing, Haggar (Jenna), Jensen
(Phil), Monroe, and Olson

1 FOR AN ACT ENTITLED, An Act to provide for an optional enhanced permit to carry a
2 concealed pistol.

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

- 8 (1) The application for the optional enhanced permit to carry a concealed pistol;
- 9 (2) A copy of the applicant's fingerprints for submission to the Federal Bureau of
10 Investigation, and any governmental agency or entity authorized to receive such
11 information, for a state, national, and international criminal history background
12 check;
- 13 (3) An authorization to run a fingerprint background check;
- 14 (4) A separate payment for the cost of processing the fingerprint background check;



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

5 (6) Proof that the applicant has successfully completed a qualifying handgun course as
6 defined in section 6 of this Act within the preceding twelve months or proof that the
7 applicant is a current or former South Dakota law enforcement officer.

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

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

13 The sheriff shall retain the application and other documents until the sheriff receives the
14 results of the background checks required pursuant to section 1 of this Act. Within seven days
15 following receipt of a confirmation that the applicant passed each criminal background check
16 required pursuant to this section and section 1 of this Act, the sheriff shall file the application
17 with the secretary of state pursuant to § 23-7-8.

18 If the applicant submits an application pursuant to section 1 of this Act, meets the
19 requirements of § 23-7-7.1, passes the required fingerprint background check, and passes a
20 National Instant Criminal Background Check, the sheriff of the county where the applicant
21 submitted the application shall, within thirty days of application, issue the applicant a temporary
22 enhanced permit to carry a concealed pistol. The temporary permit must clearly designate that
23 the permit is enhanced.

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

1 follows:

2 An enhanced permit to carry a concealed pistol is valid for five years and is only valid if
3 carried with a government issued form of identification that includes a picture of the permit
4 holder.

5 Section 4. The holder of the permit may renew the permit through the sheriff of the county
6 where the holder resides for a period beginning ninety days before the permit expires and ending
7 thirty days after expiration of the permit, if the holder pays the fifty dollar renewal fee and
8 passes a National Instant Criminal Background Check. If the holder of the enhanced permit to
9 carry a concealed pistol does not renew the permit within thirty days of expiration of the permit,
10 the holder must reapply for an enhanced permit to carry a concealed pistol pursuant to section
11 1 of this Act.

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

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

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

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

- 23 (1) South Dakota law relating to firearms and the use of force;
24 (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

1 that the information on the application is true and correct, and the applicant's signature. If filed
2 in triplicate, the original shall be delivered to the applicant as the temporary permit, the
3 duplicate shall within seven days be sent by first class mail to the secretary of state who shall
4 issue the official permit, and the triplicate shall be preserved for four years by the authority
5 issuing the permit. If the application is filed electronically, two copies shall be made and each
6 shall be signed by the applicant. One copy shall be delivered to the applicant as the temporary
7 permit, and the other copy shall be preserved for four years by the authority issuing the permit.

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

9 23-7-8.1. ~~The form of the permit to carry a concealed pistol shall be prescribed by the~~
10 ~~secretary of state pursuant to § 23-7-8. The~~ secretary of state shall prescribe the form of the
11 permit to carry a concealed pistol and the form of the enhanced permit to carry a concealed
12 pistol pursuant to § 23-7-8. Each permit shall list the applicant's name, address, and the
13 expiration date of the permit. The enhanced permit to carry a concealed pistol must clearly
14 designate that the permit is enhanced. The holder of a permit may carry a concealed pistol
15 anywhere in South Dakota except in any licensed on-sale malt beverage or alcoholic beverage
16 establishment that derives over one-half of its total income from the sale of malt or alcoholic
17 beverages. Nothing in this section prevents law enforcement officers, parole agents, security
18 guards employed on the premises, and other public officials with the written permission of the
19 sheriff from carrying concealed weapons in the performance of their duties or prevents home
20 or business owners from carrying concealed weapons on their property pursuant to § 22-14-11.

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