

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

562E0406

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**SB 85** - 01/25/2001

Introduced by: Senators Albers, Apa, Hutmacher, McCracken, and Olson (Ed) and  
Representatives Madsen, Abdallah, Flowers, Hennies (Thomas), Jaspers,  
Konold, Pederson (Gordon), Peterson (Bill), Smidt, and Solum

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from receiving a permit to carry  
2 a concealed pistol.

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

4 Section 1. That § 23-7-7.1 be amended to read as follows:

5 23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of  
6 application to a person if the applicant:

- 7 (1) Is eighteen years of age or older;
- 8 (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime  
9 of violence;
- 10 (3) Is not habitually in an intoxicated or drugged condition;
- 11 (4) Has no history of violence;
- 12 (5) Has not been found in the previous ten years to be a "danger to others" or a "danger  
13 to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- 14 (6) Has been a resident of the county or municipality where the application is being made

1 for at least thirty days;

2 (7) Has had no violations of chapter 23-7, 22-14, or 22-42 in the two years preceding the  
3 date of application; ~~and~~

4 (8) Is a citizen of the United States or has been in the United States legally for at least  
5 two years; and

6 (9) Is not disqualified from owning or possessing a firearm pursuant to the Gun Control  
7 Act, 18 U.S.C. 922(g)(8), 18 U.S.C. 922(g)(9), and 18 U.S.C. § 921(a), as of  
8 January 1, 2001.

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

10 Section 2. If the Gun Control Act, 18 U.S.C. 922(g)(8), 18 U.S.C. 922(g)(9), and 18 U.S.C.  
11 § 921(a), is repealed, then subdivision 23-7-7.1(9) is repealed.