

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

831H0161

HOUSE BILL NO. 1109

Introduced by: Representatives Elliott, Bradford, Frost, Fryslie, Hargens, Hennies, Lintz, McCoy, Novstrup, Rhoden, and Van Gerpen and Senators Sutton (Duane), Abdallah, Albers, Dennert, Duniphan, Kelly, Kooistra, Nachtigal, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to require photographs on concealed pistol permits and to
2 increase certain related fees.

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

4 Section 1. That § 23-7-8 be amended to read as follows:

5 23-7-8. The application for a permit to carry a concealed pistol shall be filed either
6 electronically or in triplicate on a form prescribed by the secretary of state. The application shall
7 require the applicant's complete name, address, occupation, place and date of birth, physical
8 description, a statement that the applicant has never pled guilty to, nolo contendere to, or been
9 convicted of a crime of violence, a color photograph and signature of the applicant in accordance
10 with § 27-7-8.1, a sworn statement that the information on the application is true and correct,
11 and the applicant's signature. The color photograph shall meet specifications prescribed by the
12 secretary of state. The applicant's existing driver's license photograph may be used for the
13 application with the applicant's consent. The department shall forward the photograph by
14 electronic or other means to the secretary of state for processing of the permit. If filed in



1 triplicate, the original application shall be delivered to the applicant as the temporary permit, the
2 duplicate shall within seven days be sent by first class mail to the secretary of state who shall
3 issue the official permit, and the triplicate shall be preserved for four years by the authority
4 issuing the permit. If the application is filed electronically, two copies shall be made and each
5 shall be signed by the applicant. One copy shall be delivered to the applicant as the temporary
6 permit, and the other copy shall be preserved for four years by the authority issuing the permit.
7 The secretary of state shall promulgate rules, pursuant to chapter 1-26, to establish procedures,
8 specifications, and requirements related to the application for and issuance of permits to carry
9 concealed pistols.

10 Section 2. That § 23-7-8.1 be amended to read as follows:

11 23-7-8.1. The form of the permit to carry a concealed pistol shall be prescribed by the
12 secretary of state pursuant to § 23-7-8. The permit shall list the applicant's name, address, and
13 the expiration date of the permit. Any permit issued after July 1, 2003, shall include a color
14 photograph and signature of the permit holder. The holder of a permit may carry a concealed
15 pistol anywhere in South Dakota except in any licensed on-sale malt beverage or alcoholic
16 beverage establishment that derives over one-half of its total income from the sale of malt or
17 alcoholic beverages. Nothing in this section prevents law enforcement officers, security guards
18 employed on the premises, and other public officials with the written permission of the sheriff
19 from carrying concealed weapons in the performance of their duties or prevents home or business
20 owners from carrying concealed weapons on their property pursuant to § 22-14-11.

21 Section 3. That § 23-7-8.2 be amended to read as follows:

22 23-7-8.2. The permit to carry a concealed pistol is valid for a period of four years from the
23 date of issuance. The fee for issuing the permit is ~~ten~~ fifteen dollars. The local authority shall
24 collect the fee. ~~Seven~~ Twelve dollars of the fee shall be remitted to the secretary of state and

- 1 three dollars shall be deposited in the general fund of the county or municipality issuing the
- 2 permit.