

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

445J0134

HOUSE BILL NO. 1131

Introduced by: Representatives Cutler, Christensen, Hennies, McLaughlin, Rounds, and Wick and Senators McCracken, Abdallah, Earley, Kelly, and Knudson

1 FOR AN ACT ENTITLED, An Act to prohibit the possession of certain items in an airport.

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

3 Section 1. Terms used in this Act mean:

4 (1) "Airport," an airport, with a secured area, that regularly serves an air carrier holding
5 a certificate issued by the United States Secretary of Transportation;

6 (2) "Sterile area," a portion of an airport defined in the airport security program to which
7 access generally is controlled through the screening of persons and property, as
8 specified in 49 CFR 1540.5.

9 Section 2. No person may knowingly possess within any sterile area of an airport any of the
10 following items:

11 (1) Any firearm;

12 (2) Any knife with a blade length in excess of four inches, the blade of which is fixed in
13 an unguarded position by the use of one or two hands;

14 (3) Any box cutter or straight razor;

15 (4) Any metal military practice hand grenade;



- 1 (5) Any metal replica hand grenade;
- 2 (6) Any plastic replica hand grenade;
- 3 (7) Any frame, receiver, barrel, or magazine of a firearm;
- 4 (8) Any unauthorized tear gas weapon;
- 5 (9) Any stun gun, as defined in § 22-1-2;
- 6 (10) Any instrument that expels a metallic projectile such as a BB or pellet, through the
- 7 force of air pressure, carbon dioxide pressure, or spring action, or any spot marker
- 8 gun or paint gun; or
- 9 (11) Any ammunition.

10 A violation of this section is a Class 1 misdemeanor.

11 Section 3. The provisions of this Act do not apply to the following persons:

- 12 (1) Any duly appointed law enforcement officer, any retired law enforcement officer
- 13 with authorization to carry a concealed weapon, any full-time paid law enforcement
- 14 officer of another state or the federal government who is carrying out official duties
- 15 while in the state, or any person summoned by any of these officers to assist in
- 16 making arrests or preserving the peace while such person is actually engaged in
- 17 assisting the officer; or
- 18 (2) Any person who has authorization to possess a weapon specified in section 2 of this
- 19 Act, granted in writing by an airport security coordinator who is designated as
- 20 specified in 49 CFR 1542.3, and who is responsible for the security of the airport.