

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

475L0676

HOUSE BILL NO. 1189

Introduced by: Representatives Rhoden, Davis, Deadrick, Dykstra, Elliott, Frost, Gillespie, Hackl, Hargens, Hennies, Hunhoff, Klaudt, Koistinen, Kraus, Miles, Nelson, O'Brien, Pederson (Gordon), Peters, Putnam, Rave, Tornow, Turbiville, Vehle, and Wick and Senator Koskan

1 FOR AN ACT ENTITLED, An Act to clarify the application of certain provisions pertaining
2 to the sale of pistols.

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

4 Section 1. That § 23-7-9 be amended to read as follows:

5 23-7-9. No ~~seller~~ federal firearms licensee may deliver a pistol to a person who has
6 purchased a pistol until forty-eight hours have elapsed from the time of the sale of the pistol. A
7 person who has in his or her possession a valid permit to carry a concealed pistol ~~shall be~~ is
8 exempt from the forty-eight hour waiting period. When a pistol is delivered, the pistol shall be
9 securely wrapped and shall be unloaded. A pistol that is securely wrapped and delivered to a
10 purchaser pursuant to this section is not a concealed weapon under § 22-14-9. A violation of this
11 section is a Class 1 misdemeanor.

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

13 23-7-10. At the time of purchase of a pistol, a any person who does not have in his or her
14 possession a valid permit to carry a concealed pistol shall complete an application to purchase



1 a pistol. The form of the application to purchase a pistol shall be prescribed by the secretary of
2 state. The application shall require the applicant's complete name, address, occupation, place
3 and date of birth, physical description, the date and hour of application, a statement that the
4 applicant has never pled guilty to, nolo contendere to, or been convicted of a crime of violence,
5 a statement that the information on the application is true and correct, and his signature. The
6 ~~seller~~ federal firearms licensee shall, within six hours, send by first class mail or hand deliver
7 the completed application to the chief of police of the municipality or the sheriff of the county
8 of which the purchaser is a resident. The duplicate shall be returned to the ~~seller~~ federal firearms
9 licensee by the chief of police or sheriff and the original shall be retained ~~by him~~ for a period
10 of one year.