

## State Laws and Published Ordinances – South Dakota

Current through the 2019 General Session of the 94th South Dakota Legislative Assembly, Executive Order 2019-1 and Supreme Court Rule 19-16.

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## Table of Contents

### Title 13 – Education

#### Chapter 13-32 – Student Supervision and School Discipline

Section 13-32-7. Presence of firearms on school premises or vehicles prohibited — Misdemeanor — Exception for ceremonial events.

### Title 22 – Crimes

#### Chapter 22-1 – Definitions and General Provisions

Section 22-1-2. Definitions.

#### Chapter 22-14 – Unlawful Use of Weapons

Section 22-14-5. Possession of firearm with altered serial number – Penalty – Exception.

Section 22-14-6. Possession of controlled weapon – Penalty – Applicability.

Section 22-14-15. Possession of firearm by person with violent crime conviction or certain drug related conviction – Penalty – Fifteen-year period.

Section 22-14-15.1. Possession of firearm by person convicted of possession of controlled substance – Penalty – Time limit.

Section 22-14-15.2. Possession of firearm after conviction of crime involving domestic violence – Misdemeanor – Loss of right to possess firearm – Restoration of rights

Section 22-14-15.3. Definition of firearm.

Section 22-14-16. Giving of firearm to person convicted of violent crime or felony – Penalty.

Section 22-14-17. Applicability of chapter to firearm incapable of discharge.

#### Chapter 22-14A – Explosives and Destructive Devices

Section 22-14A-4. Sale or possession of destructive device – Penalty.

Section 22-14A-13. Possession of materials to make destructive device – Penalty.

Section 22-14A-16. Chapter not applicable to military, law enforcement, and permit holders.

Section 22-14A-21. Possession of registered or licensed destructive device.

### Title 23 – Law Enforcement

#### Chapter 23-7 – Firearms Control

Section 23-7-1. Definitions.

Section 23-7-1.1. Exception for antique or nondischargeable firearms.

Section 23-7-8. Application for permit to carry a concealed pistol, enhanced permit to carry a concealed pistol, or gold card permit to carry a concealed pistol – Form – Requirements – Retention of records. [Effective January 1, 2017]

Section 23-7-8.1. Form and contents of permit.

Section 23-7-8.4. Permit revocation – Court order.

Section 23-7-9. Pistol to be wrapped and unloaded – Violation as misdemeanor.

Section 23-7-11. Regulation does not apply to sale of pistols at wholesale.

Section 23-7-12. False information or false evidence of identity to secure pistol or permit as felony.

Section 23-7-18. Sale of pistol by retail dealer–Restrictions–Misdemeanor.

Section 23-7-43. New serial number required where original serial number has been changed, altered, removed or obliterated.

Section 23-7-44. Possession of pistol by minor prohibited – Penalty.

Section 23-7-45. Possession of pistol by minor prohibited – Exceptions.

Section 23-7-46. Transfer of firearm or ammunition to minor – Penalty.

Section 23-7-49. Petition for restoration of right to possess firearm.

Section 23-7-50. Hearing for restoration of right to possess firearm.

Section 23-7-53. Optional enhanced permit to carry concealed pistol – Application.

Section 23-7-54. Filing application with secretary of state by sheriff – Temporary enhanced permit to carry concealed pistol.  
Section 23-7-54.1. Enhanced concealed carry permit; additional fingerprints background check.  
Section 23-7-54.2. Enhanced permit. Age.  
Section 23-7-54.4. Unexpired restricted enhanced permit.  
Section 23-7-55. Enhanced permit to carry concealed pistol valid for five years.  
Section 23-7-56. Renewal of enhanced permit to carry concealed pistol.  
Section 23-7-57. Requirements of chapter for permit to carry concealed pistol apply to enhanced permit to carry concealed pistol.  
Section 23-7-60. Application for gold card permit to carry concealed pistol – Contents.  
Section 23-7-61. Application for gold card permit to carry concealed pistol – Filing with secretary of state.  
Section 23-7-62. Renewal of gold card permit to carry concealed pistol.  
Section 23-7-63. Term of gold card permit to carry concealed pistol.  
Section 23-7-64. Revocation of gold card permit to carry concealed pistol – Grounds – Return of card.  
Section 23-7-65. Penalty for possession of gold card or enhanced concealed permit by ineligible person.]  
Section 23-7-66. Surrender of gold card or enhanced concealed pistol permit to sheriff upon conviction of certain crimes.  
Section 23-7-67. Failure to surrender gold card or enhanced permit to sheriff – Penalty.  
Section 23-7-68. Periodic background checks of gold card or enhanced concealed permit holders permitted.]  
Section 23-7-69. Current information of permit holder.

## **Title 37 – Trade Regulation**

### **Chapter 37-17 – Sale of Serially Numbered Appliances and Equipment**

Section 37-17-1. Sale of goods with serial numbers – Alteration of serial number – Penalty.

## **Title 25 – Domestic Relations**

### **Chapter 25-10 – Protection From Domestic Abuse**

Section 25-10-24. Surrender of weapon.

## **Title 7 – Counties**

### **Chapter 7-18A – Ordinances and Resolutions**

Section 7-18A-36. Ordinances restricting firearms, ammunition, or their component prohibited and void.

## **Title 8 – Township**

### **Chapter 8-5 – Board of Supervisors**

Section 8-5-13. Ordinances regarding firearms and ammunition prohibited – Ordinances null and void.

## **Title 9 – Municipal Government**

### **Chapter 9-19 – Ordinances and Resolutions**

Section 9-19-20. Firearm restrictions prohibited.

Belle Fourche

Britton

Colome

Huron

Rapid City

**Title 13 – Education**  
**Chapter 13-32 – Student Supervision and School Discipline**

**Section 13-32-7. Presence of firearms on school premises or vehicles prohibited – Misdemeanor – Exception for ceremonial events.**

Any person, other than a law enforcement officer or school sentinel under section 13-64-1, who intentionally carries, possesses, stores, keeps, leaves, places, or puts into the possession of another person, any dangerous weapon, firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended to be used primarily for imitative or noisemaking purposes, on or in any public elementary or secondary school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for public elementary or secondary school functions, whether or not any person is endangered by any action under this section, is guilty of a Class 1 misdemeanor. The provisions of this section do not apply to;

- (1) Use of a starting gun at an athletic event;
- (2) Any firearm or air gun at a:
  - (a) Firing range;
  - (b) Gun show;
  - (c) Supervised school or session for training in the use of firearms; or
  - (d) Ceremonial presence of unloaded weapons at color guard ceremonies;
- (3) Any nonpublic school;
- (4) Any church or other house of worship; or
- (5) Any nonpublic school located on the premises of a church or other house of worship.

**Title 22 – Crimes**  
**Chapter 22-1 – Definitions and General Provisions**

**Section 22-1-2. Definitions.**

Terms used in this title mean:

- (4) "**Antique firearm**," any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured before 1899, and any replica of any firearm described in this section if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or if it uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade;
- (6) "**Concealed**," any firearm that is totally hidden from view. If any part of the firearm is capable of being seen, it is not concealed;
- (8) "**Controlled weapon**" includes any firearm silencer, machine gun, or short shotgun, as those terms are defined in subdivisions (17), (23), and (46) of this section;
- (10) "**Dangerous weapon**" or "**deadly weapon**," any firearm, stun gun, knife, or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm;
- (13) "**Destructive device**,"
  - (a) Any bomb, grenade, explosive missile, or similar device or any launching device therefor; or
  - (b) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited;
  - (c) The term does not include "permissible fireworks," defined by section 34-37-5; any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device; surplus ordnance sold, loaned or given by the secretary of the army pursuant to the provisions of 10 U.S.C. sections 4684(2), 4685, or 4686; or any other device which is an antique or is a rifle which the owner intends to use solely for sporting purposes;
- (14) "**Explosive**," any substance, or combination of substances, that is used for the purpose of detonation and which, upon exposure to any external or internal force or condition, is capable of a relatively instantaneous release of gas and heat. The term does not include "permissible fireworks," as defined by section 34-37-5;

(16) **"Firearm,"** any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the term, gunpowder, includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges;

(17) **"Firearm silencer,"** any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon;

(23) **"Machine gun,"** any firearm, whatever its size and usual designation, that automatically discharges 2 or more cartridges by a single function of the firing device;

(24) **"Mental illness,"** any substantial psychiatric disorder of thought, mood or behavior which affects a person at the time of the commission of the offense and which impairs a person's judgment, but not to the extent that the person is incapable of knowing the wrongfulness of such act. Mental illness does not include abnormalities manifested only by repeated criminal or otherwise antisocial conduct;

(32) **"Pistol,"** any firearm with a barrel less than 16 inches in length, designed to expel a projectile or projectiles by the action of an explosive;

(44) **"Seller,"** any person or employee engaged in the business of selling pistols at retail;

(45) **"Short rifle,"** any rifle having a barrel less than 16 inches long, or an overall length of less than 26 inches;

(46) **"Short shotgun,"** any shotgun having a barrel less than 18 inches long or an overall length of less than 26 inches;

## **Chapter 22-14 – Unlawful Use of Weapons**

### **Section 22-14-5. Possession of firearm with altered serial number – Penalty – Exception.**

Any person who possesses any firearm on which the manufacturer's serial number has been changed, altered, removed, or obliterated is guilty of a Class 6 felony.

The provisions of this section do not apply to persons who have applied for a new serial number pursuant to section 23-7-43.

### **Section 22-14-6. Possession of controlled weapon – Penalty – Applicability.**

Any person who knowingly possesses a controlled weapon is guilty of a Class 6 felony. However, the provisions of this section do not apply to any person who:

- (1) Is a law enforcement officer or member of the armed forces of the United States or South Dakota National Guard acting in the lawful discharge of duties;
- (2) Has a valid state or federal license issued pursuant to law for such weapon or has registered such weapon with the proper state or federal authority pursuant to law;
- (3) Possesses a controlled weapon briefly after having found it or taken it from an offender; or
- (4) Possesses a controlled weapon, except a machine gun or short shotgun, under circumstances which negate any purpose or likelihood that the weapon would be used unlawfully.

### **Section 22-14-15. Possession of firearm by person with violent crime conviction or certain drug related conviction – Penalty – Fifteen-year period.**

No person who has been convicted in this state or elsewhere of a crime of violence or a felony pursuant to section 22-42-2, 22-42-3, 22-42-4, 22-42-7, 22-42-8, 22-42-9, 22-42-10 or 22-42-19, may possess or have control of a firearm. A violation of this section is a Class 6 felony. The provisions of this section do not apply to any person who was last discharged from prison, jail, probation, or parole more than 15 years prior to the commission of the principal offense.

#### **Section 22-14-15.1. Possession of firearm by person convicted of possession of controlled substance – Penalty – Time limit.**

No person who has been convicted of a felony under chapter 22-42 or of a felony for a crime with the same elements in another state may possess or have control of a firearm. A violation of this section is a Class 6 felony. The provisions of this section do not apply to any person who was last discharged from prison, jail, probation, or parole, for a felony under chapter 22-42 more than 5 years prior to the commission of the principal offense and is not subject to the restrictions in § 22-14-15.

#### **Section 22-14-15.2. Possession of firearm after conviction of crime involving domestic violence – Misdemeanor – Loss of right to possess firearm – Restoration of rights.**

No person who has been convicted of any misdemeanor crime involving an act of domestic violence may possess or have control of a firearm for a period of 1 year from the date of conviction. Any violation of this section is a Class 1

misdemeanor. At the end of the 1 year period, any civil rights lost as a result of this provision shall be restored. Any person who has lost their right to possess or have control of a firearm as a result of a misdemeanor conviction involving an act of domestic violence, prior to July 1, 2005, shall be restored to those civil rights 1 year after July 1, 2005. This section shall be repealed on the date when any federal law restricting the right to possess firearms for misdemeanor domestic violence convictions is repealed.

Once eligible under the statute, a person convicted under this section may petition the convicting court for an order reflecting the restoration of any firearm rights lost, if the person has not been convicted within the prior year of a crime for which firearm rights have been lost. A petition filed under this section shall be verified by the petitioner and served upon the states attorney in the county where the conviction occurred. Thirty days after service upon the states attorney, the court shall enter the order, if the court finds that the petitioner is eligible for relief under this section.

**Section 22-14-15.3. Definition of firearm.**

For purposes of sections 22-14-15 and 22-14-15.1, the term, firearm, includes any antique firearm as defined in subdivision 22-1-2(4) and any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, including muzzle loading weapons that are designed to use black powder or a black powder substitute and cannot use fixed ammunition.

**Section 22-14-16. Giving of firearm to person convicted of violent crime or felony – Penalty.**

Any person who knows that another person is prohibited by section 22-14-15 or 22-14-15.1 from possessing a firearm, and who knowingly gives, loans, or sells a firearm to that person is guilty of a Class 6 felony.

**Section 22-14-17. Applicability of chapter to firearm incapable of discharge.**

The provisions of this chapter do not apply to any firearm which has been permanently altered so it is incapable of being discharged.

**Chapter 22-14A – Explosives and Destructive Devices**

**Section 22-14A-4. Sale or possession of destructive device – Penalty.**

Any person who knowingly sells, offers for sale, transports, or possesses any destructive device is guilty of a Class 4 felony. If such person has been previously convicted of a crime of violence in this state or elsewhere, the offense is a Class 3 felony.

**Section 22-14A-13. Possession of materials to make destructive device – Penalty.**

Any person who possesses any substance, material, or any combination of substances or materials, with the intent to make a destructive device without first obtaining a permit from the department of public safety to make such device, is guilty of a Class 5 felony.

**Section 22-14A-16. Chapter not applicable to military, law enforcement, and permit holders.**

The provisions of this chapter do not apply to the armed forces of the United States, the national guard, any law enforcement agency or any officer, agent, employee, or member thereof, acting in a lawful capacity, and any person possessing a valid seller's permit or user's permit from the United States federal government for explosive and destructive devices.

**Section 22-14A-21. Possession of registered or licensed destructive device.**

Any person may possess destructive devices that are registered with, or licensed by, the state or federal government pursuant to law.

**Title 23 – Law Enforcement  
Chapter 23-7 – Firearms Control**

**Section 23-7-1. Definitions.**

Terms used in this chapter, unless the context otherwise requires, mean:

- (1) "Antique firearm," a firearm as defined in subdivision 22-1-2 (4);
- (2) "Concealed," a firearm as defined in subdivision 22-1-2 (6);
- (3) "Crime of violence," an action as defined in subdivision 22-1-2 (9);
- (4) "Pistol," a firearm as defined in subdivision 22-1-2 (32);
- (5) "Seller," a person as defined in subdivision 22-1-2 (44).

**Section 23-7-1.1. Exception for antique or nondischargeable firearms.**

This chapter shall not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged.

**Section 23-7-8. Application for permit to carry a concealed pistol, enhanced permit to carry a concealed pistol, or gold card permit to carry a concealed pistol – Form – Requirements – Retention of records.**

The application for a permit to carry a concealed pistol, enhanced permit to carry a concealed pistol, or a gold card 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, country of citizenship, 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 that the information on the application is true and correct, and the applicant's signature. If the applicant is not a United States citizen, the application shall require any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement. If filed in triplicate, the original shall be delivered to the applicant as the temporary permit, the duplicate shall within 7 days be sent by first class mail to the secretary of state who shall issue the official permit, and the triplicate shall be preserved for 5 years by the authority issuing the permit. If the application is filed electronically, 2 copies shall be made and each shall be signed by the applicant. One copy shall be delivered to the applicant as the temporary permit, and the other copy shall be preserved for 5 years by the authority issuing the permit.

**Section 23-7-8.1. Form and contents of permit.**

The secretary of state shall prescribe the form of the permit to carry a concealed pistol, the form of the enhanced permit to carry a concealed pistol, and the form of the gold card permit to carry a concealed pistol pursuant to Section 23-7-8. Each permit shall list the applicant's name, address, the expiration date, and the issuance date of the permit. The enhanced permit to carry a concealed pistol shall clearly designate that the permit is enhanced and the gold card permit shall clearly designate that it is a gold card permit to carry a concealed pistol. Nothing in this section prevents any law enforcement officer, Department of Corrections employee, parole agent, security guard employed on the premises, or any other public official, with the written permission of the sheriff, from carrying a concealed weapon in the performance of that person's duties.

**Section 23-7-8.4 Permit revocation – Court order.**

A prosecuting attorney, upon application of a law enforcement officer, may apply to the circuit court for an order to show cause why a person's permit to carry a concealed pistol should not be revoked. Upon order of the court, after hearing, the permit shall be revoked and the holder of the permit shall immediately surrender the permit to the sheriff of the county in which he resides.

**Section 23-7-9. Pistol to be wrapped and unloaded – Violation as misdemeanor.**

Any pistol that is delivered shall be securely wrapped and shall be unloaded. A violation of this section is a Class 1 misdemeanor.

**Section 23-7-11. Wholesale sales – Inapplicable.**

Sections 23-7-7 to 23-7-12, inclusive, do not apply to sales at wholesale.

**Section 23-7-12. False information or false evidence of identity to secure pistol or permit as felony.**

No person, in purchasing or otherwise securing delivery of a pistol or in applying for a permit to carry a concealed pistol, may give false information or offer false evidence of his identity. A violation of this section is a Class 6 felony.

**Section 23-7-18. Sale — Purchaser identity determined — Penalty.**

No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A violation of this section is a Class 1 misdemeanor.

**Section 23-7-43. New serial number required where original serial number has been changed, altered, removed or obliterated.**

Upon application by an owner of a firearm, the director of the division of criminal investigation shall engrave or stamp a new serial number on any firearm on which the manufacturer's serial number has been changed, altered, removed or obliterated.

**Section 23-7-44. Possession of pistol by minor prohibited – Penalty.**

No person under the age of 18 years may knowingly possess a pistol. A violation of this section is a Class 1 misdemeanor.

### **Section 23-7-45. Possession of pistol by minor prohibited – Exceptions.**

The provisions of § 23-7-44 or to a criminal prosecution brought after transfer pursuant to chapter 26-11, do not apply to any minor who has the consent of the minor's parent or guardian to possess such pistol, and:

- (1) That the minor was in the presence of the minor's parent or guardian;
- (2) That the minor was on premises owned or leased by the minor or the minor's parent, guardian, or immediate family member;
- (3) That the minor was in the presence of a licensed or accredited gun safety instructor; or
- (4) That the pistol was being used for farming, ranching, hunting, trapping, target shooting, or gun safety instruction.

### **Section 23-7-46. Transfer of firearm or ammunition to minor – Penalty.**

No person may sell, transfer, give, loan, furnish, or deliver a firearm or firearm ammunition to any person under the age of 18 years if such person knows or reasonably believes that the minor recipient of the transfer intended, at the time of transfer, to use the firearm or ammunition in the commission or attempted commission of a crime of violence as defined in subdivision 22-1-2 (9). The affirmative defenses contained in chapter 23-7 do not apply to a prosecution under this section. A violation of this section is a Class 5 felony.

### **Section 23-7-49. Petition for restoration of right to possess firearm.**

A person who is prohibited from possessing a firearm pursuant to the provisions of 18 U.S.C. 922(g)(4) because of a commitment or adjudication that occurred in this state may petition the court of the county in which the person resides for the restoration of the right to possess or receive a firearm. The petitioner shall serve a copy of the petition for restoration on the state's attorney of the county in which the petition is filed. The state's attorney shall represent the state at the hearing on the petition.

### **Section 23-7-50. Hearing for restoration of right to possess firearm.**

Within 60 days after the date of filing the petition for restoration, the court shall conduct a hearing to determine whether the petitioner's right to possess a firearm should be restored. The record of the hearing is confidential and may only be disclosed to the parties and the Supreme Court in the event of an appeal. If the court finds, based on the preponderance of the evidence presented at the hearing, that the petitioner is not a danger to self as defined in subdivision 27A-1-1(7)(a) or a danger to others as defined in subdivision 27A-1-1(6), the court shall enter an order restoring the petitioner's right to possess a firearm and directing the attorney general to report to the National Instant Criminal Background Check System that the petitioner is no longer prohibited from possessing a firearm under 18 U.S.C. 922(g)(4).

### **Section 23-7-53. Optional enhanced permit to carry concealed pistol – Application.**

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

- (1) The application for the optional enhanced permit to carry a concealed pistol;
- (2) A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal history background check;
- (3) An authorization to run a fingerprint background check;
- (4) A separate payment for the cost of processing the fingerprint background check;
- (5) A separate application fee of \$100 for the optional permit to carry a concealed pistol which shall be distributed 50% to the sheriff and 50% to the secretary of state to be used by the secretary of state to administer the concealed carry program; and
- (6) Proof that the applicant has successfully completed a qualifying handgun course as defined in § 23-7-58 within the preceding 12 months or proof that the applicant is a current or former South Dakota law enforcement officer.

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

### **Section 23-7-54. Filing application with secretary of state by sheriff – Temporary enhanced permit to carry concealed pistol.**

The sheriff shall retain the application and other documents until the sheriff receives the results of the background checks required pursuant to section 23-7-53. Within 7 days following receipt of a confirmation that the applicant passed each criminal background check required pursuant to this section and section 23-7-53, the sheriff shall file the application with the secretary of state pursuant to section 23-7-8.

If the applicant submits an application pursuant to section 23-7-53, meets the requirements of section 23-7-7.1, is not otherwise prohibited by state law, 18 U.S.C. 922(g) as amended to October 26, 2005, or 18 U.S.C. 922(n) as amended to October 26, 2005, from receiving, possessing, or transporting a firearm, passes the required fingerprint background check, and passes a National Instant Criminal Background Check, the sheriff of the county where the applicant submitted the application shall, within 30 days of application, issue the applicant a temporary enhanced permit to carry a concealed pistol. The temporary permit must clearly designate that the permit is enhanced.

**Section 23-7-54.1. Enhanced concealed carry permit; additional fingerprints background check.**

For any person holding an enhanced concealed carry permit, issued from July 1, 2015, to December 31, 2016, inclusive, an additional fingerprint background check and National Instant Criminal Background Check may be conducted through the sheriff of the county in which the person resides. The additional background check shall be conducted pursuant to § 23-7-54. Following receipt of the confirmation that the person passed each criminal background check pursuant to sections 23-7-53 and 23-7-54, the sheriff shall submit an authorization to reissue the person's enhanced concealed carry permit with the secretary of state. The permit shall be reissued with a new issue date and is valid for a period of five years from the date of reissuance.

**Section 23-7-54.2. Enhanced permit. Age.**

Notwithstanding any other law, the age requirement for the enhanced permit is for twenty-one years of age or older.

Any applicant between eighteen to twenty years of age, inclusive, who meets the requirements of sections 23-7-53 and 23-7-54 and any other specified requirements and qualifications and upon the approval from the sheriff of the county where the applicant submitted the application shall be issued a temporary restricted enhanced permit that clearly designates the restricted enhanced permit is for individuals eighteen to twenty years of age, inclusive.

**Section 23-7-54.4. Unexpired restricted enhanced permit.**

A person holding an unexpired restricted enhanced permit who has reached the age of twenty-one may submit a written request to the secretary of state for an unrestricted enhanced permit. The unrestricted enhanced permit shall be issued at no additional cost.

**Section 23-7-55. Enhanced permit to carry concealed pistol valid for five years.**

An enhanced permit to carry a concealed pistol is valid for 5 years and is only valid if carried with a government issued form of identification that includes a picture of the permit holder.

**Section 23-7-56. Renewal of enhanced permit to carry concealed pistol.**

The holder of the permit may renew the permit through the sheriff of the county where the holder resides for a period beginning 90 days before the permit expires and ending 30 days after expiration of the permit, if the holder pays the \$50 renewal fee and passes a National Instant Criminal Background Check. If the holder of the enhanced permit to carry a concealed pistol does not renew the permit within 30 days of expiration of the permit, the holder must reapply for an enhanced permit to carry a concealed pistol pursuant to § 23-7-53.

**Section 23-7-57. Requirements of chapter for permit to carry concealed pistol apply to enhanced permit to carry concealed pistol.**

Unless otherwise specified, the references, rights, and responsibilities in this chapter related to a permit to carry a concealed pistol also apply to an enhanced permit to carry a concealed pistol and a gold card permit to carry a concealed pistol.

**Section 23-7-60. Application for gold card permit to carry concealed pistol – Contents.**

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

- (1) The application for the gold card permit to carry a concealed pistol;
- (2) A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal history background check;
- (3) An authorization to run a fingerprint background check;
- (4) A separate payment for the cost of processing the fingerprint background check; and
- (5) A separate application fee of \$70 for the gold card permit to carry a concealed pistol.

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

**Section 23-7-61. Application for gold card permit to carry concealed pistol – Filing with secretary of state.**

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

If the applicant submits an application pursuant to section 1 of this Act, meets the requirements of section 23-7-7.1, is not otherwise prohibited by state law, 18 U.S.C. 922(g) as amended to October 26, 2005, or 18 U.S.C. 922(n) as amended to October 26, 2005, from receiving, possessing, or transporting a firearm, passes the required fingerprint background check, and passes a National Instant Criminal Background Check, the sheriff of the county of the application shall, within 30 days of application, issue the applicant a temporary gold card permit to carry a concealed pistol. The temporary permit must clearly designate that the permit is a gold card permit.

**Section 23-7-62. Renewal of gold card permit to carry concealed pistol.**

The holder of the gold card permit to carry a concealed pistol may renew the permit through the sheriff of the county where the holder resides, no earlier than 90 days prior to the expiration of the permit. The holder shall pay a \$70 renewal fee and pass a National Instant Criminal Background Check prior to the renewal of the permit.

**Section 23-7-63. Term of gold card permit to carry concealed pistol.**

The gold card permit to carry a concealed pistol is valid for a period of 5 years from the date of issuance.

**Section 23-7-64. Revocation of gold card permit to carry concealed pistol – Grounds – Return of card.**

A gold card permit to carry a concealed pistol or an enhanced permit to carry a concealed pistol is automatically revoked upon failure to maintain the requirements under section 23-7-7.1 or if the gold card or enhanced permit holder becomes prohibited by state law, 18 U.S.C. 922(g) as amended to October 26, 2005, or 18 U.S.C. 922(n) as amended to October 26, 2005, from receiving, possessing, or transporting a firearm.

Upon such occurrence, the permit holder shall immediately return the gold card or enhanced concealed pistol permit to the county sheriff of the permit holder's county of residence. If the permit has not been returned, upon learning that a permit holder is ineligible for a gold card or enhanced permit for any violent crime or for a crime punishable by more than 1 year of incarceration, the sheriff of the permit holder's county of residence shall secure the possession and return of the gold card or enhanced permit forthwith. For any other disqualifying offense set forth above the sheriff of the permit holder's county of residence shall secure the possession and return of the gold card or enhanced permit as soon as reasonably possible after being notified of the holders ineligibility. A gold card or enhanced permit holder whose permit has been secured by law enforcement under this section may petition the circuit court for the return of the gold card or enhanced permit if the permit holder believes the gold card or enhanced permit was unlawfully secured. Law enforcement may communicate with federally licensed firearms dealers relative to revoked gold card or enhanced permits.

**Section 23-7-65. Penalty for possession of gold card or enhanced concealed permit by ineligible person.**

It is a Class 1 misdemeanor for anyone that is ineligible to possess a gold card or enhanced concealed pistol permit to possess or present a revoked gold card or enhanced concealed pistol permit.

**Section 23-7-66. Surrender of gold card or enhanced concealed pistol permit to sheriff upon conviction of certain crimes.**

If any person is convicted of any offense which results in the automatic revocation of a gold card or enhanced permit to carry a concealed pistol under this chapter, the court entering the conviction shall require the surrender to the court of all gold card or enhanced concealed pistol permits held by the person convicted. The court shall forward all gold card and enhanced concealed pistol permits to the sheriff of the defendant's county of residence.

**Section 23-7-67. Failure to surrender gold card or enhanced permit to sheriff – Penalty.**

It is a Class 1 misdemeanor for a person to fail or refuse to surrender to the county sheriff of the person's county of residence, upon lawful demand, a gold card or enhanced permit to carry a concealed pistol that has been revoked. If a person fails to return a gold card or enhanced permit to the sheriff of the person's county of residence after lawful demand, the sheriff shall direct a law enforcement officer to secure its possession and return in compliance with section 11 of this Act. The law enforcement officer shall receive \$10.50 plus mileage, at a rate established by the State Board of Finance, to be paid by the violator. Failure to pay the fee and mileage is a Class 2 misdemeanor.

**Section 23-7-68. Periodic background checks of gold card or enhanced concealed permit holders permitted**

Law enforcement may periodically perform a National Instant Criminal Background Check of gold card or enhanced concealed pistol permit holders for the purposes of determining whether the permit holder remains eligible for the permit under section 23-7-7.1, 18 U.S.C. 922(g) as amended to October 26, 2005, and 18 U.S.C. 922(n) as amended to October 26, 2005.

**Section 23-7-69. Current information of permit holder.**

A person who has been issued a permit to carry a concealed pistol shall maintain current information on the permit by notifying the secretary of state in writing of a change in the person's name due to marriage or court order or of a change in physical address. If the revised address is located within South Dakota, the secretary of state shall provide a new permit to the person.

The county sheriff may issue a temporary permit or the secretary of state may issue an updated permit that reflects an address outside of South Dakota in the following instances:

- (1) For a South Dakota resident who is active duty military personnel, or the spouse of a person who is active duty military, with a home of record in South Dakota; or
- (2) For a South Dakota permit holder whose home is physically located in South Dakota but has an official postal address located within in a county in another state that shares a border with South Dakota.

The fee for processing a replacement permit is two dollars and shall be used by the secretary of state to administer the concealed carry program.

**Title 25 – Domestic Relations  
Chapter 25-10 – Protection From Domestic Abuse**

**Section 25-10-24. Surrender of weapon.**

The court may require the defendant to surrender any dangerous weapon or any concealed pistol permit issued under 23-7 in the defendant's possession to local law enforcement.

**Title 37 – Trade Regulation  
Chapter 37-17 – Sale of Serially Numbered Appliances and Equipment**

**Section 37-17-1. Sale of goods with serial numbers – Alteration of serial number – Penalty.**

Any person who knowingly sells or offers for sale any ... firearm, ... or equipment, which is identified by a serial number placed thereon by the manufacturer, the original serial number of which has been destroyed, removed, altered, covered, or defaced, is guilty of a Class 2 misdemeanor if the value of the property is \$400 or less. If the value of the property is more than \$400 and less than \$1,000, such person is guilty of a Class 1 misdemeanor. If the value of the property is \$1,000 or greater, such person is guilty of a Class 4 felony.

**Title 7 – Counties**  
**Chapter 7-18A – Ordinances and Resolutions**

**Section 7-18A-36. Ordinances restricting firearms, ammunition, or their component prohibited and void.**

No county may pass any ordinance that restricts or prohibits, or imposes any tax, licensure requirement, or licensure fee on the possession, storage, transportation, purchase, sale, transfer, ownership, manufacture or repair of firearms or ammunition or their components. Any ordinance prohibited by this section is null and void. The attorney general shall send a cease and desist order to any county that passes or enforces an ordinance in violation of this section. If the county fails to comply with the order, the attorney general shall bring an action in the name of the state for injunctive relief against any county that has passed an ordinance in violation of this section. A court shall grant any person charged with a violation of an ordinance prohibited under this section reasonable costs, expenses, and attorney's fees. This section does not apply to any generally applicable zoning ordinance, building regulation, or fire code so long as the ordinance, regulation, or code is not used to circumvent the prohibition under this section.

**Title 8 – Township**  
**Chapter 8-5 – Board of Supervisors**

**Section 8-5-13. Ordinances regarding firearms and ammunition prohibited – Ordinances null and void.**

No township may pass any ordinance that restricts or prohibits, or imposes any tax, licensure requirement, or licensure fee on the possession, storage, transportation, purchase, sale, transfer, ownership, manufacture or repair of firearms or ammunition or their components. Any ordinance prohibited by this section is null and void. The attorney general shall send a cease and desist order to any township that passes or enforces an ordinance in violation of this section. If the township fails to comply with the order, the attorney general shall bring an action in the name of the state for injunctive relief against any township that has passed an ordinance in violation of this section. A court shall grant any person charged with a violation of an ordinance prohibited under this section reasonable costs, expenses, and attorney's fees. This section does not apply to any generally applicable zoning ordinance, building regulation, or fire code so long as the ordinance, regulation, or code is not used to circumvent the prohibition under this section.

**Title 9 – Municipal Government**  
**Chapter 9-19 – Ordinances and Resolutions**

**Section 9-19-20. Firearm restrictions prohibited.**

No municipality may pass any ordinance that restricts or prohibits, or imposes any licensure requirement or licensure fee on the possession, storage, transportation, purchase, sale, transfer, ownership, manufacture or repair of firearms or ammunition or their components. Any ordinance prohibited by this section is null and void. The attorney general shall send a cease and desist order to any municipality that passes or enforces an ordinance in violation of this section. If the municipality fails to comply with the order, the attorney general shall bring an action in the name of the state for injunctive relief against any municipality that has passed an ordinance in violation of this section. A court shall grant any person charged with a violation of an ordinance prohibited under this section reasonable costs, expenses, and attorney's fees. This section does not apply to any generally applicable zoning ordinance, building regulation, or fire code so long as the ordinance, regulation, or code is not used to circumvent the prohibition under this section.

**Belle Fourche Code of Ordinances**  
Current through Ordinance 16-2018, passed December 17, 2018. (Supplement 14, 2-19)

**Title 17 – Planning and Zoning**  
**Division I – General Zoning**  
**Chapter 17.16 – Additional Use & Development Regulations**

**Section 17.16.130. Home occupations.**

**D. Prohibited home occupations.** The following home occupations are prohibited:

7. Sales of firearms, explosives, or other weapons that require a state or federal license to provide such services;

**Britton Code of Ordinances**  
Current through Ordinance 568, passed June 18, 2018. (Supplement 13)

**Title 5 – Business Licenses and Regulations**  
**Chapter 5.20 – Pawnbrokers**

**Section 5.20.020. Required.**

**B.** No sales or purchases of firearms unless pawnbroker has completed all requirements through Alcohol, Tobacco and Firearms securing an FFL license and notifying the Britton City Council.

**Colome Code of Ordinances**  
Current through Ordinance 170.

**Title XIII – General Offenses**  
**Chapter 134 – Weapons**

**Section 134.05. Possession of pistols by minors prohibited.**

(A) Prohibited. No person under the age of 18 years may knowingly possess a pistol.

(B) Exceptions. The provisions of division (A) or to a criminal prosecution brought after transfer pursuant to SDCL Chapter 26-11, do not apply to any minor who has the consent of the minor's parent or guardian to possess such pistol, and:

(1) That the minor was in the presence of the minor's parent or guardian;

(2) That the minor was on premises owned or leased by the minor or the minor's parent, guardian, or immediate family member;

(3) That the minor was in the presence of a licensed or accredited gun safety instructor; or

(4) That the pistol was being used for farming, ranching, hunting, trapping, target shooting, or gun safety instruction.

(C) Age of minority; calculation of age. Minors are natural male persons and natural female persons under eighteen years of age. The periods thus specified must be calculated from the first minute of the day on which persons are born, to the same minute of the corresponding day completing the period of minority.

(D) Penalty. Any person who violates this section is subject to the penalties set forth in SDCL section 23-7-44.

**Huron Code of Ordinances**

Current through Ordinance 2199-18-75, passed January 7, 2019. (Supplement 16)

**Title 23 – Zoning**  
**Chapter 23.04 – Administration and Enforcement**

**Section 23.04.078. Type II moderate effect home occupation.**

(2) Type II moderate effect home occupation permitted uses. Type II moderate effect home occupations may include but not be limited to:

(d) Gunsmith; or sales of firearms with the condition that the applicant can obtain the appropriate state and federal firearms license(s);

(3) Type II moderate effect home occupation shall comply with the following general rules:

(g) Limited quantities of goods, products or materials associated with the home occupation shall be permitted to be stored on the premises.

(l) There shall not be conducted on the premises the business of selling socks of merchandise, supplies or products provided that limited retail sales directly related to the home occupation may be sold to clients.

(n) Home occupations that attract customers, clients or other individuals to the premises for sale or service shall not be allowed in an apartment building.

**Rapid City Code of Ordinances**

Current through legislation adopted September 3, 2019. (Supplement 49)

**Title 17 – Zoning**  
**Chapter 17.56 – Business Park District**

**Section 17.56.030. Conditional use permits.**

Conditional use permits are as follows:

**K.** The following uses when conducted within a completely enclosed building:

4. The manufacture of firearms, not to include the manufacture of ammunition;