

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

940W0179

## HOUSE ENGROSSED NO. **HB 1215** - 02/18/2015

Introduced by: Representatives Brunner, Craig, Johns, Kaiser, Klumb, May, and Russell and Senators Greenfield (Brock), Cammack, Ewing, Hagggar (Jenna), Jensen (Phil), Monroe, and Olson

1 FOR AN ACT ENTITLED, An Act to provide for an optional enhanced permit to carry a  
2 concealed pistol.

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

4 Section 1. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as  
5 follows:

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

- 9 (1) The application for the optional enhanced permit to carry a concealed pistol;
- 10 (2) A copy of the applicant's fingerprints for submission to the Federal Bureau of  
11 Investigation, and any governmental agency or entity authorized to receive such  
12 information, for a state, national, and international criminal history background  
13 check;
- 14 (3) An authorization to run a fingerprint background check;



1 (4) A separate payment for the cost of processing the fingerprint background check;

2 (5) A separate application fee of one hundred dollars for the optional permit to carry a  
3 concealed pistol which shall be distributed fifty dollars to the sheriff and fifty dollars  
4 to the secretary of state to be used by the secretary of state to administer the  
5 concealed carry program; and

6 (6) Proof that the applicant has successfully completed a qualifying handgun course as  
7 defined in section 6 of this Act within the preceding twelve months or proof that the  
8 applicant is a current or former South Dakota law enforcement officer.

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

12 Section 2. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 The sheriff shall retain the application and other documents until the sheriff receives the  
15 results of the background checks required pursuant to section 1 of this Act. Within seven days  
16 following receipt of a confirmation that the applicant passed each criminal background check  
17 required pursuant to this section and section 1 of this Act, the sheriff shall file the application  
18 with the secretary of state pursuant to § 23-7-8.

19 If the applicant submits an application pursuant to section 1 of this Act, meets the  
20 requirements of § 23-7-7.1, passes the required fingerprint background check, and passes a  
21 National Instant Criminal Background Check, the sheriff of the county where the applicant  
22 submitted the application shall, within thirty days of application, issue the applicant a temporary  
23 enhanced permit to carry a concealed pistol. The temporary permit must clearly designate that  
24 the permit is enhanced.

1 Section 3. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as  
2 follows:

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

6 Section 4. The holder of the permit may renew the permit through the sheriff of the county  
7 where the holder resides for a period beginning ninety days before the permit expires and ending  
8 thirty days after expiration of the permit, if the holder pays the fifty dollar renewal fee and  
9 passes a National Instant Criminal Background Check. If the holder of the enhanced permit to  
10 carry a concealed pistol does not renew the permit within thirty days of expiration of the permit,  
11 the holder must reapply for an enhanced permit to carry a concealed pistol pursuant to section  
12 1 of this Act.

13 Section 5. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 Unless otherwise specified, the references, rights, and responsibilities in chapter 23-7 related  
16 to a permit to carry a concealed pistol also apply to an enhanced permit to carry a concealed  
17 pistol.

18 Section 6. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as  
19 follows:

20 A qualifying handgun course is any handgun course that is taught by a National Rifle  
21 Association certified instructor who also holds a current certificate of completion from the  
22 South Dakota Division of Criminal Investigation on the use of force. The qualifying handgun  
23 course must include instruction in each of the following:

- 24 (1) South Dakota law relating to firearms and the use of force;

- 1 (2) The basic concepts of the safe and responsible use of handguns;
- 2 (3) Self-defense principles; and
- 3 (4) Live fire training including the firing of at least ninety-eight rounds of ammunition
- 4 by the student.

5 Section 7. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 The Division of Criminal Investigation shall offer at least one course focused on the use of  
8 force, including applicable state laws, per year, open to National Rifle Association certified  
9 instructors. The Division of Criminal Investigation shall develop the use of force course and  
10 may promulgate rules pursuant to chapter 1-26 to establish the course standards for the issuance  
11 of a certificate of completion, establish a fee for the course not to exceed one hundred fifty  
12 dollars, and to implement the course.

13 Section 8. That § 23-7-7.2 be amended to read as follows:

14 23-7-7.2. No issuing authority, that has issued the permit in conformity with this chapter,  
15 is civilly liable to any injured person or his estate for any injury suffered, including any action  
16 for any wrongful death or property damage suffered, because of the issuance of a concealed  
17 weapons permit, or temporary permit, to any person. For purposes of this section, the Division  
18 of Criminal Investigation is considered an issuing authority when issuing a certificate of  
19 completion pursuant to section 7 of this Act.

20 Section 9. That § 23-7-8 be amended to read as follows:

21 23-7-8. The application for a permit to carry a concealed pistol or an enhanced permit to  
22 carry a concealed pistol shall be filed either electronically or in triplicate on a form prescribed  
23 by the secretary of state. The application shall require the applicant's complete name, address,  
24 occupation, place and date of birth, physical description, a statement that the applicant has never

1 pled guilty to, nolo contendere to, or been convicted of a crime of violence, a sworn statement  
2 that the information on the application is true and correct, and the applicant's signature. If filed  
3 in triplicate, the original shall be delivered to the applicant as the temporary permit, the  
4 duplicate shall within seven days be sent by first class mail to the secretary of state who shall  
5 issue the official permit, and the triplicate shall be preserved for four years by the authority  
6 issuing the permit. If the application is filed electronically, two copies shall be made and each  
7 shall be signed by the applicant. One copy shall be delivered to the applicant as the temporary  
8 permit, and the other copy shall be preserved for four years by the authority issuing the permit.

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

10 ~~23-7-8.1. The form of the permit to carry a concealed pistol shall be prescribed by the~~  
11 ~~secretary of state pursuant to § 23-7-8. The~~ secretary of state shall prescribe the form of the  
12 permit to carry a concealed pistol and the form of the enhanced permit to carry a concealed  
13 pistol pursuant to § 23-7-8. Each permit shall list the applicant's name, address, and the  
14 expiration date of the permit. The enhanced permit to carry a concealed pistol must clearly  
15 designate that the permit is enhanced. The holder of a permit may carry a concealed pistol  
16 anywhere in South Dakota except in any licensed on-sale malt beverage or alcoholic beverage  
17 establishment that derives over one-half of its total income from the sale of malt or alcoholic  
18 beverages. Nothing in this section prevents law enforcement officers, parole agents, security  
19 guards employed on the premises, and other public officials with the written permission of the  
20 sheriff from carrying concealed weapons in the performance of their duties or prevents home  
21 or business owners from carrying concealed weapons on their property pursuant to § 22-14-11.

22 Section 11. If a person's civil rights, including the right to possess a weapon, are restored  
23 pursuant to state law, a person is not prohibited from obtaining a permit to carry a concealed  
24 pistol or an enhanced permit to carry a concealed pistol under state law.