



2022 South Dakota Legislature

House Bill 1066

Introduced by: **Representative** Kevin Jensen

1 **An Act to prohibit the personal possession of a loaded firearm while under the**
 2 **influence of marijuana or intoxicated.**

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

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5 **Section 1. That § 22-14-7 be AMENDED:**

6 **22-14-7.** Any A person who is guilty of a Class 1 misdemeanor if the person:

7 (1) Recklessly discharges a firearm ~~or recklessly;~~

8 (2) Recklessly shoots a bow and arrow; or

9 ~~(2)(3)~~ (3) Sets a device designed to activate a weapon upon being tripped or approached,
 10 and leaves -the device unmarked or unattended by a competent person; ~~or~~

11 ~~(3) Has in personal possession a loaded firearm while intoxicated;~~

12 is guilty of a Class 1 misdemeanor.

13 **Section 2. That chapter 22-14 be amended with a NEW SECTION:**

14 A person is guilty of a Class 1 misdemeanor if the person is in personal possession
 15 of a loaded firearm while:

16 (1) Intoxicated; or

17 (2) Under the influence of marijuana, as that term is defined in § 22-42-1.

18 **Section 3. That chapter 22-14 be amended with a NEW SECTION:**

19 For purposes of section 2 of this Act, the term, loaded firearm, means any firearm
 20 that contains a cartridge, shell, or projectile:

21 (1) In the chamber, including any chamber in the cylinder of a revolver;

22 (2) In a magazine that is fixed or integral to the firearm; or

23 (3) In a detachable magazine that has been inserted into the firearm.

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