



2024 South Dakota Legislature

House Bill 1174

Introduced by: **Representative Duba**

1 **An Act to require proper storage of a firearm and to provide a penalty therefor.**

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

3 **Section 1. That a NEW SECTION be added to chapter 22-14:**

4 Any individual owning or possessing a firearm, as defined in § 22-1-2, shall ensure
5 that the firearm is at all times:

6 (1) Being carried by the individual;

7 (2) Within the individual's proximity and control;

8 (3) Stored in a locked gun safe, locked container, or other locked compartment,
9 provided the manner of securing the firearm does not permit ready access by
10 unauthorized individuals or by those who are a danger to self or others;

11 (4) Secured with a tamper-resistant trigger lock; or

12 (5) Rendered mechanically inoperable.

13 For purposes of this section, a firearm may not be left unattended in a motor
14 vehicle, as defined in § 58-23-9, including in a locked motor vehicle, unless the manner
15 of storage meets the requirements set forth in subdivisions (3), (4), or (5).

16 **Section 2. That a NEW SECTION be added to chapter 22-14:**

17 Section 1 of this Act does not apply to a law enforcement agency, provided the
18 agency has implemented a policy regarding the proper storage of a firearm.

19 **Section 3. That a NEW SECTION be added to chapter 22-14:**

20 Any individual who violates section 1 of this Act is guilty of a Class 2 misdemeanor
21 for a first offense, and a Class 1 misdemeanor for a second or subsequent offense.

22 Any individual who violates section 1 of this Act is civilly liable for any injury or
23 damage caused by:

- 1 (1) A minor who, as a result of the violation, obtained and used a firearm in the
2 commission of a crime; or
- 3 (2) An individual who:
- 4 (a) Resides in the same household as the owner or possessor of the firearm;
5 (b) Is not eligible to possess a firearm under state or federal law; and
6 (c) As result of the violation, obtained and used the firearm in the commission
7 of a crime.

8 **Section 4. That a NEW SECTION be added to chapter 22-14:**

- 9 Any retailer that offers firearms for sale shall provide a written notice to each
10 firearm purchaser at the time of sale and shall post, at each cash register or point of sale,
11 a conspicuous sign that that contains the following words:
- 12 WARNING: Failure to abide by state law governing storage of a firearm, as set forth
13 in sections (1) to (3) inclusive, of this Act, may result in the imposition of a criminal
14 penalty and civil liability.
- 15 A retailer that violates this section is guilty of a Class 1 misdemeanor.