

AN ACT

ENTITLED, An Act to prohibit certain local ordinances regarding firearms.

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

Section 1. That § 7-18A-36 be amended to read:

7-18A-36. No county may pass an 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.

Section 2. That § 8-5-13 be amended to read:

8-5-13. No township may pass an 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.

Section 3. That § 9-19-20 be amended to read:

9-19-20. No municipality may pass an 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.

An Act to prohibit certain local ordinances regarding firearms.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1056

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1056
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State