



2020 South Dakota Legislature

Senate Bill 169

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Russell**

1 **An Act to authorize the possession of a concealed pistol by employees in county**
 2 **courthouses.**

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

4 **Section 1.** That § 22-14-24 be AMENDED:

5 **22-14-24. Exceptions to penalty for possession in a county courthouse or**
 6 **state capitol.**

7 The provisions of § 22-14-23 do not apply to:

- 8 (1) The lawful performance of official duties by an officer, agent, or employee of the
 9 United States, the state, political subdivision thereof, or a municipality, who is
 10 authorized by law to engage in or supervise the prevention, detection, investigation,
 11 or prosecution of any violation of law or who is an officer of the court;
- 12 (2) The possession of a firearm or other dangerous weapon by a judge or magistrate;
- 13 (3) The possession of a firearm or other dangerous weapon by a federal or state official
 14 or by a member of the armed services, if such possession is authorized by law;
- 15 (4) The possession of a concealed pistol in the state capitol by a qualified law
 16 enforcement officer or a qualified retired law enforcement officer in accordance with
 17 the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926B-C;
- 18 (5) The possession of a concealed pistol anywhere in the state capitol, other than in the
 19 Supreme Court chamber or other access-controlled private office under the
 20 supervision of security personnel, by any person not otherwise referenced in this
 21 section, provided:
- 22 (a) The person possessing the concealed pistol holds an enhanced permit issued
 23 in accordance with § 23-7-53;
- 24 (b) At least twenty-four hours prior to initially entering the state capitol with a
 25 concealed pistol, the person notifies the superintendent of the Division of

- 1 Highway Patrol, orally or in writing, that the person intends to possess a
2 concealed pistol in the state capitol;
- 3 (c) The notification required by this subdivision includes the date on which or the
4 range of dates during which the person intends to possess a concealed pistol
5 in the state capitol, provided the range of dates may not exceed thirty
6 consecutive days; and
- 7 (d) The notification required by the subdivision may be renewed, as necessary
8 and without limit; ~~and~~
- 9 (6) The possession of a firearm or other dangerous weapon in a county courthouse by
10 any person who is employed by the county or the state and assigned to work in the
11 county courthouse, provided the person is not an inmate, and other than in any
12 area in use under the supervision of the Unified Judicial System or employees of
13 the Unified Judicial System; and
- 14 (7) The lawful carrying of a firearm or other dangerous weapon in a county courthouse
15 incident to a hunter safety or a gun safety course or for any other lawful purposes.

16 **Section 2.** That § 22-14-28 be AMENDED:

17 **22-14-28. Waiver of provisions.**

18 By a majority of the members-elect, the county commission in any county may
19 elect to waive the provisions of § 22-14-23 that apply to a county courthouse. A waiver
20 by the county commission in accordance with this section supersedes subdivision 22-14-
21 24(6) governing county employees.