

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

373W0502

HOUSE BILL NO. 1108

Introduced by: Representatives Russell and Campbell and Senator Jensen (Phil)

1 FOR AN ACT ENTITLED, An Act to authorize concealed carry of a pistol or revolver without
2 a permit to carry a concealed pistol.

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

4 Section 1. That § 22-14-9 be amended to read as follows:

5 22-14-9. Any person, other than a law enforcement officer or parole agent acting under color
6 of authority, who:

7 (1) Carries a pistol or revolver, loaded or unloaded, concealed on or about his or her
8 person without a permit as provided in chapter 23-7; or

9 (2) Carries a pistol or revolver, loaded or unloaded, concealed in any vehicle while
10 operating the vehicle, without a permit as provided in chapter 23-7;

11 is guilty of a Class 1 misdemeanor.

12 The provisions of this section do not apply to a person who is eighteen years of age or older
13 who is able to lawfully possess a pistol or revolver pursuant to the laws of this state, regardless
14 of whether the person is a resident of this state.

15 Section 2. That § 22-14-9.1 be amended to read as follows:



1 22-14-9.1. ~~No person may possess a concealed pistol in accordance with chapter 23-7 or this~~
2 ~~chapter unless that person also has in his or her physical possession a valid South Dakota permit~~
3 ~~to carry a concealed pistol or a permit effective pursuant to § 23-7-7.3. Any violation of this~~
4 ~~section is a petty offense. However, if within twenty-four hours of being charged with a~~
5 ~~violation of this section, the person produces a permit to carry a concealed pistol which was~~
6 ~~valid at the time of the alleged offense in the office of the officer making the demand, the charge~~
7 ~~shall be dismissed. The mere possession or carrying of a pistol, openly or concealed, with or~~
8 ~~without a permit as provided in chapter 23-7, is not reasonable suspicion or probable cause for~~
9 ~~a law enforcement officer to disarm or seize an otherwise law abiding person.~~

10 Section 3. That § 22-14-27 be amended to read as follows:

11 22-14-27. It is not a defense to a prosecution under § 22-14-23 that the defendant was the
12 holder of a concealed weapons permit issued pursuant to §§ 23-7-7 and 23-7-7.1, or that the
13 defendant falls within the provisions of § 22-14-9.