

**PROJECT SAFE NEIGHBORHOODS
SOUTH DAKOTA ATTORNEY GENERAL
DIVISION OF CRIMINAL INVESTIGATION**



23-7-7. **Permit to carry concealed pistol** -- A permit to carry a concealed pistol shall be issued to any person by the sheriff of the county in which the applicant resides. Prior to issuing the permit, the sheriff shall execute a background investigation, including a criminal history check, and a temporary permit shall be issued within five day of application if the applicant

- (1) Is eighteen years of age or older;
- (2) Has never pled guilty to, no contest to, or been convicted of a felony or a crime of violence;
- (3) Is not habitually in an intoxicated or drugged condition;
- (4) Has no history of violence;
- (5) Has not been found in the previous ten years to be a "danger to others" or a "danger to self" or is not currently adjudged mentally incompetent;
- (6) Has been a resident of the county or municipality where the application is being made for at least thirty days;
- (7) Has had no violations of firearms or drug laws constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense;
- (8) Is a citizen of the United States; and
- (9) Is not a fugitive from justice.

23-7-7.3 **Reciprocity with other states** -- The secretary of state may enter into reciprocity agreements with other states after the attorney general has notified the secretary of state that the other states' laws meet or exceed the provisions of this chapter. (Reciprocity with other states can be found on the website <http://www.sdsos.gov/Firearms/index.htm>)

22-14-9. **Carrying pistol or revolver without a permit**

Any person, other than a law enforcement officer when acting as such, is guilty of a Class 1 misdemeanor if he:

- (1) Carries a pistol or revolver, loaded or unloaded, concealed on or about his person without a permit as provided in chapter 23-7; or
- (2) Carries a pistol or revolver, loaded or unloaded, concealed in any vehicle operated by him, without a permit as provided in chapter 23-7.

22-14-9.1. **Person possessing concealed pistol to have physical possession of valid permit** -- No person may possess a concealed pistol in accordance with chapter 23-7 or this chapter unless that person also has in his or her physical possession a valid South Dakota permit to carry a concealed pistol or a permit effective pursuant to § 23-7-7.3. A violation of this section is a petty offense.

22-14-9.2. **Holders of permits from reciprocal states subject to South Dakota laws** - Any person who is permitted to carry a concealed pistol in a state with which the secretary of state has entered into a reciprocity agreement pursuant to §§ 23-7-7.3, 22-14-9.1, 22-1-49.2, 23-7-7, 23-7-7.1, and 23-7-8 may carry a concealed pistol in this state if the permit holder carries the pistol in compliance with the laws of this state. A violation of this section is a Class 1 misdemeanor.

22-14-10. **Lawful uses of unloaded pistols** - Section 22-14-9 does not apply to persons who carry one or more unloaded pistols or revolvers for the purpose of, or in connection with, any lawful use, if the unloaded weapon or weapons are carried:

- (1) In the trunk or other closed compartment of a vehicle; or
- (2) In a closed container which is too large to be effectively

concealed on the person or within his clothing. The container may be carried in a vehicle or in any other manner. Any person who complies with this section may not be required to obtain a permit for the lawful uses herein described.

23-7-8.2 **Duration of permit** -- Fee. The permit to carry a concealed pistol is valid for a period of four years from the date of issuance. The fee for issuing the permit is ten dollars. The local authority shall collect the fee. Seven dollars of the fee shall be remitted to the secretary of state and three dollars shall be deposited in the general fund of the county or municipality issuing the permit.

23-7-8.4 **Revocation of permit** -- Procedure. A prosecuting attorney, upon application of a law enforcement officer, may apply to the circuit court for an order to show cause why a person's permit to carry a concealed pistol should not be revoked. Upon order of the court, after hearing, the permit shall be revoked and the holder of the permit shall immediately surrender the permit to the sheriff of the county in which he resides.

23-7-12 **False information or false evidence of identity to secure pistol or permit as felony**. No person, in purchasing or otherwise securing delivery of a pistol or in applying for a permit to carry a concealed pistol, may give false information or offer false evidence of his identity. A violation of this section is a Class 6 felony.

23-7-44 **Possession of pistols by minors prohibited** -- Misdemeanor. No person under the age of eighteen years may knowingly possess a pistol. A violation of this section is a Class 1 misdemeanor. Exceptions:

- (1) That the minor was in the presence of the minor's parent or guardian;
- (2) That the minor was on premises owned or leased by the minor or the minor's parent, guardian, or immediate family member;
- (3) That the minor was in the presence of a licensed or accredited gun safety instructor; or That the pistol was being used for farming, ranching, hunting, trapping, target shooting, or gun safety instruction.

32-20-6.6. **Carrying firearm on motorcycle or off-road vehicle** -- No person, other than a law enforcement officer or conservation officer, or any person on the person's own land or land leased by the person, may operate or ride on any motorcycle or off-road vehicle with any firearm in the person's possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm. However, this section does not apply to any person who is carrying a pistol and possesses a permit to carry a concealed pistol issued pursuant to chapter 23-7. This section does not apply to any person who holds a permit issued pursuant to § 41-8-37 while engaged in hunting from an off-road vehicle in accordance with the provisions of the permit. A violation of this section is a Class 2 misdemeanor.

32-20A-11. **Restrictions on carrying of firearms** -- Violation as misdemeanor. No person other than a law enforcement officer or conservation officer may operate or ride in any snowmobile with any firearm in his possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm. A violation of this section is a Class 2 misdemeanor.

13-32-7. **Possession of firearms on elementary or secondary school premises or vehicle as misdemeanor** -- Exceptions. Any person, other than a law enforcement officer, who intentionally carries, has in his possession, stores, keeps, leaves, places, or puts into the possession of another person, any firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes, or any dangerous weapon, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions, whether or not any person is endangered by such actions, is guilty of a Class 1 misdemeanor.