

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

436Z0787

HOUSE BILL NO. 1209

Introduced by: Representatives Peterson (Sue), Bordeaux, Haugaard, Howard, Marty, May, Qualm, and Rasmussen and Senators Langer, Curd, Greenfield (Brock), Klumb, Maher, Monroe, and Netherton

1 FOR AN ACT ENTITLED, An Act to require a National Instant Criminal Background Check
2 for applicants of certain concealed carry permits.

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

4 Section 1. That § 23-7-7 be amended to read:

5 23-7-7. A permit to carry a concealed pistol shall be issued to any person by the sheriff of
6 the county in which the applicant resides. The permit shall be valid throughout the state and
7 shall be issued pursuant to § 23-7-7.1. Prior to issuing the permit, the sheriff shall execute a
8 background investigation, including ~~a criminal history check~~ a computer check of available on-
9 line records and the National Instant Criminal Background Check, of every applicant for the
10 purposes of verifying the qualifications of the applicant pursuant to the requirements of § 23-7-
11 7.1. ~~For the purposes of this section, a background investigation is defined as a computer check~~
12 ~~of available on-line records.~~

13 Section 2. That § 23-7-7.1 be amended to read:

14 23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of



1 application to a person if the applicant:

- 2 (1) Is eighteen years of age or older;
- 3 (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime
4 of violence;
- 5 (3) Is not habitually in an intoxicated or drugged condition;
- 6 (4) Has no history of violence;
- 7 (5) Has not been found in the previous ten years to be a "danger to others" or a "danger
8 to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- 9 (6) Has physically resided in and is a resident of the county where the application is
10 being made for at least thirty days immediately preceding the date of the application;
- 11 (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or
12 misdemeanor in the five years preceding the date of application or is not currently
13 charged under indictment or information for such an offense;
- 14 (8) Is a citizen or legal resident of the United States; ~~and~~
- 15 (9) Is not a fugitive from justice; and
- 16 (10) Is not otherwise prohibited by state law or federal law from receiving, possessing, or
17 transporting a firearm.

18 A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.