



## 2020 South Dakota Legislature

# House Bill 1130

Introduced by: **Representative Brunner**

1 **An Act to revise the requirements for an enhanced permit to carry a concealed pistol.**

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

3 **Section 1.** That § 23-7-53 be AMENDED:

4 **23-7-53. Enhanced permit to carry concealed pistol--Initial application--**  
 5 **Renewal.**

6 An applicant may submit an application to the sheriff of the county in which the  
 7 applicant resides for an optional A person may apply for an enhanced permit to carry a  
 8 concealed pistol. ~~The application shall include~~ or for a renewal of an enhanced permit, by  
 9 submitting to the sheriff of the county in which the person resides:

10 (1) ~~The~~ A completed application for the optional enhanced permit to carry a concealed  
 11 pistol;

12 (2) A copy of the ~~applicant's~~ person's fingerprints for submission to the Federal Bureau  
 13 of Investigation, and to any governmental agency or entity that is authorized to  
 14 receive such information, ~~for~~ in order to conduct a state, national, and international  
 15 criminal history background check;

16 (3) An authorization ~~to run~~ for a fingerprint background check;

17 (4) ~~A separate payment~~ fee of forty-three dollars and twenty-five cents for the cost of  
 18 processing the fingerprint background check ~~and, if the sheriff takes the~~  
 19 ~~fingerprints, the sheriff shall secure the fingerprints at no additional charge to the~~  
 20 ~~applicant;~~

21 (5) A separate application

22 (a) A fee of one hundred dollars for ~~the optional~~ an initial permit to carry a  
 23 concealed pistol ~~which shall be distributed,~~ fifty percent to ~~of which must~~  
 24 be retained by the sheriff and fifty percent of which must be provided to the  
 25 secretary of state ~~to be used by the secretary of state to administer for~~  
 26 administration of the concealed carry program; ~~and or~~

1           **(b)** A fee of fifty dollars for the renewal of a permit to carry a concealed pistol,  
2           fifty percent of which must be retained by the sheriff and fifty percent of  
3           which must be provided to the secretary of state for administration of the  
4           concealed carry program; and

5           **(6)** Proof that the ~~applicant has successfully~~ person:

6           **(a)** Successfully completed a qualifying handgun course, as defined in § 23-7-  
7           58 within the preceding twelve months; ~~or proof that the applicant is~~

8           **(b)** Is a current or former South Dakota law enforcement officer.

9           An application for the renewal of an enhanced permit may not be submitted earlier  
10          than ninety days prior to the expiration date printed on the permit.

11          The sheriff shall forward ~~the~~ to the Division of Criminal Investigation for processing  
12          a copy of the applicant's fingerprints, the applicant's authorization for processing to  
13          process a fingerprint background check, and the payment fee for the fingerprint  
14          background check to the Division of Criminal Investigation for processing. A sheriff may  
15          not charge a fee for collecting fingerprints required by this section.

16          **Section 2.** That § 23-7-54 be AMENDED:

17                   **23-7-54. Temporary enhanced permit to carry concealed pistol--Issuance.**

18           The sheriff shall retain the application and other documents until the sheriff  
19           receives the results of the background checks required pursuant to § 23-7-53. Within  
20           seven days following receipt of a confirmation that the applicant passed each criminal  
21           background check required pursuant to this section and § 23-7-53, the sheriff shall file  
22           the application with the secretary of state pursuant to § 23-7-8.

23           If ~~the applicant~~ a person submits an application for an initial or a renewed permit  
24           pursuant to § 23-7-53, meets the requirements of § 23-7-7.1, is not otherwise prohibited  
25           by state or federal law, ~~18 U.S.C. 922(g) as amended to October 26, 2005, or 18 U.S.C.~~  
26           ~~922(n) as amended to October 26, 2005,~~ from receiving, possessing, or transporting a  
27           firearm, passes the required fingerprint background check, and passes a National Instant  
28           Criminal Background Check, the sheriff ~~of the county where the applicant~~ to whom the  
29           person submitted the application shall, within thirty days of receiving the application, issue  
30           ~~the applicant to the person~~ a temporary enhanced permit to carry a concealed pistol. The  
31           ~~temporary permit must that~~ clearly designate that designates the permit ~~is as being~~  
32           enhanced.

33          **Section 3.** That § 23-7-56 be REPEALED.

1            **23-7-56. Renewal of enhanced permit to carry concealed pistol.**