



2025 South Dakota Legislature

House Bill 1218

SENATE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Representative Aylward**

1 **An Act to prohibit counties, municipalities, and townships from imposing firearm**
 2 **restrictions on certain employees, officers, and volunteers.**

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

4 **Section 1. That a NEW SECTION be added to chapter 7-18:**

5 A board of county commissioners may not, by any method or means, prohibit or
 6 restrict an individual who is a county employee, officer, or volunteer, from lawfully
 7 possessing any concealed firearm and compatible ammunition, while the individual is
 8 within any county building, facility, or vehicle, or while on any real property, owned or
 9 leased by the county. This section does not apply to possession of a concealed firearm
 10 and compatible ammunition by:

11 (1) An individual who is an inmate;

12 (2) An individual, other than a law enforcement officer, while present in:

13 (a) A county courthouse, as defined in § 22-14-22; or

14 (b) The secure area of any detention facility, a mental health crisis center, or a
 15 substance use disorder residential treatment facility; or

16 (3) An individual, other than a law enforcement officer, while using a county vehicle to
 17 transport another individual apprehended in accordance with chapter 27A-10.

18 No injury or damage resulting from an individual possessing a concealed firearm
 19 may be construed to be an act of the county, and no liability may be imputed to the
 20 county.

21 For purposes of this section, any "method or means" includes the adoption of a
 22 policy, the issuance of a guidance letter or statement, and any similar directive, whether
 23 written or oral.

24 **Section 2. That a NEW SECTION be added to chapter 7-18:**

1 Notwithstanding section 1 of this Act or § 7-18A-36, a county may, by any method
 2 or means, prohibit or restrict an individual from lawfully carrying a dangerous weapon, as
 3 defined in § 22-1-2, within a building or facility at which an event is occurring, provided
 4 metal detectors are utilized to screen for any dangerous weapons and armed security
 5 personnel are posted at each public entrance.

6 **Section 3. That a NEW SECTION be added to chapter 8-4:**

7 A board of supervisors may not, by any method or means, prohibit or restrict an
 8 individual who is a township employee, officer, or volunteer, from lawfully possessing any
 9 concealed firearm and compatible ammunition, while the individual is within any township
 10 building, facility, or vehicle, or while on any real property, owned or leased by the
 11 township. This section does not apply to possession of a concealed firearm and compatible
 12 ammunition by:

- 13 (1) An individual who is an inmate;
- 14 (2) An individual, other than a law enforcement officer, while present in:
 - 15 (a) A county courthouse, as defined in § 22-14-22; or
 - 16 (b) The secure area of any detention facility, a mental health crisis center, or a
 17 substance use disorder residential treatment facility; or
- 18 (3) An individual, other than a law enforcement officer, while using a township vehicle
 19 to transport another individual apprehended in accordance with chapter 27A-10.

20 No injury or damage resulting from an individual possessing a concealed firearm
 21 may be construed to be an act of the township, and no liability may be imputed to the
 22 township.

23 For purposes of this section, any "method or means" includes the adoption of a
 24 policy, the issuance of a guidance letter or statement, and any similar directive, whether
 25 written or oral.

26 **Section 4. That a NEW SECTION be added to chapter 8-4:**

27 Notwithstanding section 3 of this Act or § 8-5-13, a township may, by any method
 28 or means, prohibit or restrict an individual from lawfully carrying a dangerous weapon, as
 29 defined in § 22-1-2, within a building or facility at which an event is occurring, provided
 30 metal detectors are utilized to screen for any dangerous weapons and armed security
 31 personnel are posted at each public entrance.

32 **Section 5. That a NEW SECTION be added to chapter 9-14:**

1 The governing body of a municipality may not, by any method or means, prohibit
2 or restrict an individual who is a municipal employee, officer, or volunteer, from lawfully
3 possessing any concealed firearm and compatible ammunition, while the individual is
4 within any municipal building, facility, or vehicle, or while on any real property, owned or
5 leased by the municipality. This section does not apply to possession of a concealed
6 firearm and compatible ammunition by:

7 (1) An individual who is an inmate;

8 (2) An individual, other than a law enforcement officer, while present in:

9 (a) A county courthouse, as defined in § 22-14-22; or

10 (b) The secure area of any detention facility, a mental health crisis center, or a
11 substance use disorder residential treatment facility; or

12 (3) An individual, other than a law enforcement officer, while using a municipal vehicle
13 to transport another individual apprehended in accordance with chapter 27A-10.

14 No injury or damage resulting from an individual possessing a concealed firearm
15 may be construed to be an act of the municipality, and no liability may be imputed to the
16 municipality.

17 For purposes of this section, any "method or means" includes the adoption of a
18 policy, the issuance of a guidance letter or statement, and any similar directive, whether
19 written or oral.

20 **Section 6. That a NEW SECTION be added to chapter 9-14:**

21 Notwithstanding section 5 of this Act or § 9-19-20, a municipality may, by any
22 method or means, prohibit or restrict an individual from lawfully carrying a dangerous
23 weapon, as defined in § 22-1-2, within a building or facility at which an event is occurring,
24 provided metal detectors are utilized to screen for any dangerous weapons and armed
25 security personnel are posted at each public entrance.