



2021 South Dakota Legislature
Senate Bill 100
ENROLLED

AN ACT

ENTITLED An Act to continue the prohibition on the seizure of firearms and ammunitions.

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

Section 1. That a NEW SECTION be added:

34-48A-5.2. Governmental authority--Emergencies--Limitations related to firearms and weapons.

Except as otherwise provided in this section, no state agency, political subdivision, or any elected or appointed official or employee of this state or of a political subdivision may, under any governmental authority or color of law exercised pursuant to this chapter, including any statutorily authorized response to disaster, war, acts of terrorism, or emergencies of whatever kind or nature:

- (1) Prohibit, regulate, or curtail the otherwise lawful possession, carrying, sale, transportation, transfer, defensive use, or other lawful use of any:
 - (a) Firearm, including any component or accessory;
 - (b) Ammunition, including any component or accessory;
 - (c) Ammunition-reloading equipment and supplies; or
 - (d) Personal weapons other than firearms;
- (2) Seize, commandeer, or confiscate in any manner, any:
 - (a) Firearm, including any component or accessory;
 - (b) Ammunition, including any component or accessory;
 - (c) Ammunition-reloading equipment and supplies; or
 - (d) Personal weapons other than firearms;
- (3) Suspend or revoke a permit to carry a concealed pistol issued pursuant to chapter 23-7, except as expressly authorized in that chapter;
- (4) Refuse to accept an application for a permit to carry a concealed pistol, provided the application has been properly completed in accordance with chapter 23-7;

- (5) Close or limit the operating hours of any entity engaged in the lawful selling or servicing of any firearm, including any component or accessory; ammunition, including any component or accessory; ammunition-reloading equipment and supplies; or personal weapons other than firearms, unless the closing or limitation of hours applies equally to all forms of commerce within the jurisdiction;
- (6) Close or limit the operating hours of any indoor or outdoor shooting range; or
- (7) Place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any:
 - (a) Firearm, including any component or accessory;
 - (b) Ammunition, including any component or accessory;
 - (c) Ammunition-reloading equipment and supplies; or
 - (d) Personal weapons other than firearms.

Nothing in this section precludes a law enforcement officer, who is acting in the lawful discharge of the officer's official duties and with or without a warrant, from temporarily disarming a lawfully detained person, if the officer reasonably believes that doing so is immediately necessary for the protection of the officer or another person. Unless the officer takes the person into custody for engaging in criminal activity or for observation, or unless the officer seizes the item as evidence pursuant to a criminal investigation, the officer shall return any item seized to the person.

Nothing in this section precludes a political subdivision that owns an indoor gun range, open to the public, from closing the indoor range for the period during which a certified range safety officer is unavailable, if the normal operating procedure of the range requires the presence of such a person.

Any person aggrieved by a violation of this section may file an action for damages, injunctive relief, or other appropriate redress in the circuit court having jurisdiction over the county in which the aggrieved person resides or in which the violation occurred.

An Act to continue the prohibition on the seizure of firearms and ammunitions.

I certify that the attached Act originated in the:
Senate as Bill No. 100

Received at this Executive Office this ____ day of _____, 2021 at _____ M.

Secretary of the Senate

By _____ for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021 at _____ o'clock ___ M.

Chief Clerk

Secretary of State

Senate Bill No. 100
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State