

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

394S0437

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1149** - 2/14/2011

Introduced by: Representatives Gosch, Blake, Bolin, Brunner, Conzet, Gibson, Hansen (Jon), Hunt, Kirkeby, and Liss and Senators Cutler, Begalka, Brown, Frerichs, Olson (Russell), Peters, and Rave

1 FOR AN ACT ENTITLED, An Act to allow legal residents of the United States to obtain a
2 concealed pistol permit.

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

4 Section 1. That § 23-7-7.1 be amended to read as follows:

5 23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of
6 application to a person if the applicant:

- 7 (1) Is eighteen years of age or older;
- 8 (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime
9 of violence;
- 10 (3) Is not habitually in an intoxicated or drugged condition;
- 11 (4) Has no history of violence;
- 12 (5) Has not been found in the previous ten years to be a "danger to others" or a "danger
13 to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- 14 (6) Has physically resided in and is a resident of the county where the application is



- 1 being made for at least thirty days immediately preceding the date of the application;
- 2 (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or
- 3 misdemeanor in the five years preceding the date of application or is not currently
- 4 charged under indictment or information for such an offense;
- 5 (8) Is a citizen or legal resident of the United States; and
- 6 (9) Is not a fugitive from justice.

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

8 Section 2. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as

9 follows:

10 Notwithstanding the five day requirement provided in § 23-7-7.1, if the background

11 investigation under § 23-7-7 requires an international criminal history check through

12 INTERPOL, the sheriff shall issue a temporary permit to carry a concealed pistol within three

13 business days of receiving a response from INTERPOL if the applicant otherwise meets the

14 requirements of § 23-7-7.1.