



2023 South Dakota Legislature
House Bill 1222
ENROLLED

AN ACT

ENTITLED An Act to limit the liability of permit and certificate-issuing entities and certified use of force instructors.

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

Section 1. That § 23-7-7.2 be AMENDED:

23-7-7.2. An authority that issued a permit to carry a concealed pistol in accordance with this chapter is not liable to any person or a person's estate for any injury suffered, including wrongful death, or for any damages, because the authority issued the permit.

Section 2. That § 23-7-59 be AMENDED:

23-7-59. The Division of Criminal Investigation shall, at least once every six months, offer a course that is focused on the use of force, including applicable state laws, and open to National Rifle Association certified pistol instructors. The Division of Criminal Investigation shall develop the use of force course and promulgate rules, pursuant to chapter 1-26, to:

- (1) Establish course standards for instructors seeking the issuance of an initial certificate of completion;
- (2) Establish course standards for instructors seeking the renewal of a certificate;
- (3) Establish a course fee not to exceed one hundred fifty dollars; and
- (4) Provide for implementation of the course.

The Division of Criminal Investigation is not liable to any person or the person's estate for any injury suffered, including wrongful death, or for any damages, because the division issued a certificate of completion under this section.

Section 3. That chapter 23-7 be amended with a NEW SECTION:

An instructor, certified in accordance with § 23-7-59, is not liable for any personal injury, wrongful death, or damages, resulting from the conduct, acts, or omissions of a current or former student handling a firearm, unless the instructor, during the course of providing instruction, engaged in gross negligence or willful or wanton misconduct.

An Act to limit the liability of permit and certificate-issuing entities and certified use of force instructors.

I certify that the attached Act originated in
the:
House as Bill No. 1222

Received at this Executive Office
this ____ day of _____,
2023 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2023

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1222
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State