

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

259U0567

SENATE BILL NO. 177

Introduced by: Senators Otten (Ernie), Begalka, Brown, Jensen, Monroe, and Omdahl and
Representatives Russell, Campbell, and Kaiser

1 FOR AN ACT ENTITLED, An Act to limit the authority of certain institutions of higher
2 education to regulate the possession of guns by students on campus.

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

4 Section 1. No public institution of higher education is authorized to do any of the following:

- 5 (1) Establish rules, regulations, or any code of conduct limiting or abridging the ability
6 of any person to carry or possess a firearm in accordance with state law;
- 7 (2) Expel, dismiss, or penalize any person who legally carries or possesses a firearm;
- 8 (3) Require from any student as a condition of enrollment, or from any faculty member
9 as a condition of employment, any waiver limiting or abridging the ability of any
10 person to legally carry or possess a firearm;
- 11 (4) Prohibit any student who is lawfully allowed to possess a handgun from doing so in
12 dormitory or residence leased to the student;
- 13 (5) Establish any policy requiring students living in a dormitory or residence to live in
14 a specific unit or complex, or assign or lease housing or dormitory units based on a
15 student's firearms ownership status;



1 (6) Require any student to store a firearm outside his or her dormitory unit;

2 (7) Inquire to any student about his or her firearms ownership status.

3 However, any public institution of higher education may establish rules or regulations relating
4 to the storage of firearms in campus dormitories as long as such rules and regulations do not
5 violate this section.

6 Section 2. For the purposes of this Act only, public institution of higher education, means
7 any public postsecondary educational institution under the Board of Regents or any public
8 postsecondary technical institute under the Board of Education.