



2025 South Dakota Legislature

House Bill 1218

HOUSE 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 portion of a building being used to provide court services; 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 8-4:**

1 A board of supervisors may not, by any method or means, prohibit or restrict an
 2 individual who is a township employee, officer, or volunteer, from lawfully possessing any
 3 concealed firearm and compatible ammunition, while the individual is within any township
 4 building, facility, or vehicle, or while on any real property, owned or leased by the
 5 township. This section does not apply to possession of a concealed firearm and compatible
 6 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 portion of a building being used to provide court services; 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 township 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 township, and no liability may be imputed to the
 16 township.

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 3. That a NEW SECTION be added to chapter 9-14:**

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

27 (1) An individual who is an inmate;

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

29 (a) A portion of a building being used to provide court services; or

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

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

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

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