

2025 South Dakota Legislature

House Bill 1218**AMENDMENT 1218P
FOR THE SENATE LOCAL GOVERNMENT ENGROSSED BILL**

1 An Act to ~~prohibit counties, municipalities, and townships from imposing~~address the
2 imposition of firearm restrictions on certain employees, officers,~~and~~
3 volunteers, and other individuals.

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

5 **Section 1. That a NEW SECTION be added to chapter 7-18:**

6 A board of county commissioners may not, by any method or means, prohibit or
7 restrict an individual who is a county employee, officer, or volunteer, from lawfully
8 possessing any concealed firearm and compatible ammunition, while the individual is
9 within any county building, facility, or vehicle, or while on any real property, owned or
10 leased by the county. This section does not apply to possession of a concealed firearm
11 and compatible ammunition by:

12 (1) An individual who is an inmate;

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

14 ~~(a) — A county courthouse, as defined in § 22-14-22; or~~

15 ~~(b) — The the secure area of any detention facility, a mental health crisis center,~~
16 or a substance use disorder residential treatment facility; or

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

19 No injury or damage resulting from an individual possessing a concealed firearm
20 may be construed to be an act of the county, and no liability may be imputed to the
21 county.

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

25 ~~Section 2. That a NEW SECTION be added to chapter 7-18:~~

~~1 Notwithstanding section 1 of this Act or § 7-18A-36, a county may, by any method or means,
2 prohibit or restrict an individual from lawfully carrying a dangerous weapon, as defined in
3 § 22-1-2, within a building or facility at which an event is occurring, provided metal detectors
4 are utilized to screen for any dangerous weapons and armed security personnel are posted at
5 each public entrance.~~

6 **Section 2. That a NEW SECTION be added to chapter 8-4:**

7 A board of supervisors may not, by any method or means, prohibit or restrict an
8 individual who is a township employee, officer, or volunteer, from lawfully possessing any
9 concealed firearm and compatible ammunition, while the individual is within any township
10 building, facility, or vehicle, or while on any real property, owned or leased by the
11 township. This section does not apply to possession of a concealed firearm and compatible
12 ammunition by:

13 (1) An individual who is an inmate;

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

15 ~~(a) — A county courthouse, as defined in § 22-14-22; or~~

16 ~~(b) — The the secure area of any detention facility, a mental health crisis center,~~
17 or a substance use disorder residential treatment facility; or

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

20 No injury or damage resulting from an individual possessing a concealed firearm
21 may be construed to be an act of the township, and no liability may be imputed to the
22 township.

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

26 **~~Section 4. That a NEW SECTION be added to chapter 8-4:~~**

27 ~~Notwithstanding section 3 of this Act or § 8-5-13, a township may, by any method or means,
28 prohibit or restrict an individual from lawfully carrying a dangerous weapon, as defined in
29 § 22-1-2, within a building or facility at which an event is occurring, provided metal detectors
30 are utilized to screen for any dangerous weapons and armed security personnel are posted at
31 each public entrance.~~

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

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

(1) An individual who is an inmate;

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

~~(a) A county courthouse, as defined in § 22-14-22; or~~

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

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

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

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

Section 4. That a NEW SECTION be added to chapter 9-14:

Notwithstanding section ~~5-3~~ of this Act or § 9-19-20, a municipality may, by any method or means, prohibit or restrict an individual from lawfully carrying a dangerous weapon, as defined in § 22-1-2, within a building or facility at which an event is occurring, provided metal detectors are utilized to screen for any dangerous weapons and armed security personnel are posted at each public entrance.

Section 5. That § 23-7-70 be REPEALED.

~~A person may not carry a concealed pistol in any licensed on-sale malt beverage or alcoholic beverage establishment that derives over one-half of its total income from the sale of malt or alcoholic beverages.~~