



South Dakota

Summary of State Firearms Law

Last Updated April 1, 2011

Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. South Dakota ranked 35th out of 50 – having enacted few gun violence prevention laws. Among other things, South Dakota law does **not**:

- Require a background check prior to [the transfer of a firearm between unlicensed individuals](#);
- Require firearms dealers to obtain a [state license](#);
- Regulate the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- Limit the [number of firearms](#) that may be purchased at one time; or
- Regulate unsafe handguns ("[junk guns](#)" or "[Saturday night specials](#)").

In addition, in 2009, South Dakota [repealed the state's 48-hour waiting period](#) for handgun purchases.

Local governments in South Dakota generally [lack authority](#) to regulate firearms or ammunition, and local law enforcement must issue [a concealed handgun permit](#) to any applicant who meets basic qualifications.

South Dakota Statistics

Gun Deaths

South Dakota ranks 42nd among the states in terms of the number of gun deaths per capita. However, even this relatively low ranking means that in 2007, 52 people died from firearm-related injuries in South Dakota.¹

Crime Guns

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). In 2009, South Dakota exported more crime guns per capita than the national average, and had the 28th highest rate of crime gun exports among the states. The state had the 7th highest ratio of crime gun exports to imports. In 2009, [South Dakota](#) supplied three times more crime guns to other states per capita than it imported from other states.²

Number of Federally Licensed Firearms Dealers

There are 454 federally licensed firearms dealers and pawnbrokers in South Dakota.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007* (2010), at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.

² Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (September 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (June 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

South Dakota “Right to Bear Arms”

South Dakota’s constitution provides a right to bear arms but there are no court cases construing this provision. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in South Dakota

South Dakota has preempted most areas of local firearms regulation. See [LCAV's State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies in South Dakota

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

South Dakota Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

South Dakota law provides that, subject to certain limited exceptions, no person shall possess a firearm if he or she:

- Has been convicted of a “crime of violence” or one of a list of drug-related felonies in the past 15 years;⁴
- Has been convicted of felony possession of a controlled substance or marijuana in South Dakota or of similar felony violations under the laws of another state in the past five years;⁵
- Has been convicted of any misdemeanor crime involving an act of domestic violence within the past year;⁶ or
- Is under the age of 18.⁷

For information on the background check process used to enforce these provisions, see the [South Dakota Background Checks](#) section.

⁴ [S.D. Codified Laws § 22-14-15](#). “Crime of violence” is defined in [S.D. Codified Laws § 22-1-2\(9\)](#).

⁵ [S.D. Codified Laws § 22-14-15.1](#).

⁶ [S.D. Codified Laws § 22-14-15.2](#).

⁷ [S.D. Codified Laws §§ 23-7-44](#) and [23-7-45](#). For exceptions to this prohibition, see the [South Dakota Minimum Age to Purchase or Possess](#) section.

South Dakota Minimum Age to Purchase / Possess

South Dakota law prohibits any person under age 18 from knowingly possessing a handgun.⁸ This prohibition does not apply if the minor has the consent of the minor's parent or guardian to possess a handgun and:

- Is in the parent's or guardian's presence;
- Is on premises owned or leased by the minor or his or her parent, guardian or immediate family member;
- Is in the presence of a licensed or accredited gun safety instructor; or
- Is using the handgun for farming, ranching, hunting, trapping, target shooting or gun safety instruction.⁹

There is no minimum age to possess rifles and shotguns in South Dakota. South Dakota only prohibits transfer of a firearm or ammunition to a minor if the seller knows or reasonably believes that the minor intended, at the time of transfer, to use the firearm or ammunition in the commission or attempted commission of a crime of violence.¹⁰

[Federal age restrictions](#) impose stricter limits. See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

For additional information related to child safety, see the [South Dakota Child Access Prevention](#) section.

⁸ [S.D. Codified Laws § 23-7-44](#). A South Dakota resident hunting license may be issued to any resident age 16 or older. [S.D. Codified Laws § 41-6-13](#). A minor between the ages of 12 and 16 years may be issued a hunting license, but the minor under age 16 may hunt only if accompanied by a parent, guardian, or responsible adult. *Id.*, [S.D. Codified Laws § 41-6-12](#). The license is valid only for the license year. *Id.* Furthermore, before a hunting license will be granted to a child between the ages of 11 and 16, he or she must comply with the firearm safety instruction required under [S.D. Codified Laws § 41-7-1](#). [S.D. Codified Laws § 41-6-14](#).

⁹ [S.D. Codified Laws § 23-7-45](#).

¹⁰ [S.D. Codified Laws § 23-7-46](#).

Domestic Violence and Firearms in South Dakota

South Dakota law prohibits any person who has been convicted of a misdemeanor crime involving an act of domestic violence from possessing or having control of a firearm for a period of one year from the date of the conviction.¹¹ However, a broader [federal law](#) prohibits domestic violence misdemeanants from possessing firearms regardless of when the conviction occurred.

South Dakota law does **not**:

- Prohibit individuals subject to domestic violence protective orders from possessing firearms or ammunition (unlike [federal law](#));
- Require courts to notify domestic abusers when they become prohibited from possessing firearms or ammunition under state or [federal law](#);
- Require the surrender of firearms or ammunition by domestic abusers who have become prohibited from possessing firearms or ammunition under federal law, although a court may require the defendant in a domestic abuse action to surrender any firearm in his or her possession to local law enforcement;¹² or
- Explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

¹¹ [S.D. Codified Laws § 22-14-15.2.](#)

¹² [S.D. Codified Laws § 25-10-24.](#)

Disarming Prohibited Persons in South Dakota

South Dakota has no law requiring the removal of firearms from [persons who have become prohibited from possessing them](#).

Sales & Transfers

Background Checks in South Dakota

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

South Dakota is not a point of contact state for the NICS. South Dakota has no law requiring firearms dealers to initiate background checks prior to transferring a firearm. As a result, in South Dakota, firearms dealers must initiate the background check required by federal law by contacting the FBI directly.¹³

South Dakota does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. See [Regulating Guns in America: Private Sales](#).

¹³ Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited July 26, 2011).

Mental Health Reporting in South Dakota

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”¹⁴ No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

South Dakota has no law requiring, or even explicitly authorizing, the reporting of mental health information to NICS.

For general information on the background check process and categories of prohibited purchasers or possessors, see the [South Dakota Background Checks](#) section and the section entitled [Prohibited Purchasers Generally](#).

¹⁴ [18 U.S.C. § 922\(d\)\(4\)](#).

Multiple Purchases / Sales of Firearms in South Dakota

South Dakota has no law restricting sales or purchases of multiple firearms. See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records in South Dakota

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

South Dakota has no laws requiring the retention of sales or background check records by firearm sellers generally, or requiring the reporting of sales of firearms to a state or local agency. South Dakota law prohibits any state agency, political subdivision, official, agent or employee of any state agency or political subdivision from knowingly keeping any list, record, or registry of privately owned firearms, owners of firearms, or holders of permits to carry a concealed handgun.¹⁵ However, an exception is made for firearm records that must be retained by firearm dealers under federal law, including copies of such records transmitted to law enforcement agencies.¹⁶

South Dakota law also specifically prohibits any law enforcement officer from retaining any notes, data, or pieces of information, either collectively or individually, regarding privately-owned firearms, owners of privately-owned firearms, or concealed handgun permit holders unless the retention of such information is pertinent to a specific ongoing investigation or prosecution.¹⁷

¹⁵ [S.D. Codified Laws § 23-7-8.6.](#)

¹⁶ [S.D. Codified Laws § 23-7-8.7.](#)

¹⁷ [S.D. Codified Laws § 23-7-8.9.](#)

South Dakota Waiting Periods

South Dakota imposes no waiting period between the time of purchase and the actual physical transfer of a firearm. In 2009, South Dakota [repealed the state's 48-hour waiting period](#) for handgun purchases.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

South Dakota Dealer Regulations

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

South Dakota does not require firearms dealers to obtain a license. South Dakota law requires firearms dealers to ensure that handguns are securely wrapped and unloaded when delivered to the purchaser.¹⁸ South Dakota also prohibits a dealer from selling a handgun unless the purchaser is personally known to the dealer or presents clear evidence of his or her identity.¹⁹ South Dakota has no other significant laws regulating firearms dealers.

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

¹⁸ [S.D. Codified Laws § 23-7-9.](#)

¹⁹ [S.D. Codified Laws § 23-7-18.](#)

Private Sales in South Dakota

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

South Dakota has no law requiring a background check on the purchaser of a firearm when the seller is not a licensed dealer. South Dakota does, however, prohibit any person who knows that another person is prohibited from possessing a firearm under South Dakota law from knowingly giving, loaning, or selling a firearm to that person.²⁰

In addition, no person may sell, transfer, give, loan, furnish, or deliver a firearm or ammunition to any person under the age of 18 if the person transferring the firearm or ammunition knows or reasonably believes that the minor intended, at the time of transfer, to use the firearm or ammunition in the commission or attempted commission of a crime of violence.²¹

²⁰ [S.D. Codified Laws § 22-14-16.](#)

²¹ [S.D. Codified Laws § 23-7-46.](#)

South Dakota Gun Shows

South Dakota has no laws expressly regulating gun shows. See the [South Dakota Private Sales](#) section for state laws that apply at gun shows. See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

South Dakota Immunity Statutes

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

The South Dakota Legislature has declared that the unlawful use of firearms, rather than their lawful manufacture, distribution, or sale, is the proximate cause of any injury arising from their unlawful use.²²

No firearms manufacturer, distributor or seller who lawfully manufactures, distributes or sells a firearm is liable for any injury resulting from use of the firearm by another person.²³ Moreover, no association of federally licensed firearms dealers is liable for any injury resulting from the use of a firearm sold or manufactured by any licensee who is a member of such association.²⁴

However, South Dakota's immunity provisions do not apply to actions for deceit, breach of contract, breach of warranty, or for injuries resulting from the failure of a firearm to operate in a normal or usual manner due to defects or negligence in design or manufacture of the firearm.²⁵ The immunity provisions also do not apply to actions arising from the unlawful sale or transfer of firearms, or instances where the transferor knew or should have known that the recipient would engage in the unlawful sale or transfer of the firearm, or would use or purposely allow the use of the firearm in an unlawful, negligent, or improper manner.²⁶ Note that under the immunity law, the potential of a firearm to cause serious injury, damage, or death as a result of normal function does not constitute a defective condition of the product. In addition, a firearm may not be deemed defective on the basis of its potential to cause serious injury, damage, or death when discharged.²⁷

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

²² [S.D. Codified Laws § 21-58-1.](#)

²³ [S.D. Codified Laws § 21-58-2.](#)

²⁴ [S.D. Codified Laws § 21-58-3.](#)

²⁵ [S.D. Codified Laws § 21-58-4.](#)

²⁶ *Id.*

²⁷ *Id.*

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers in South Dakota

South Dakota has no law requiring gun owners or purchasers to obtain a license. See [*Regulating Guns in America: Licensing of Gun Owners or Purchasers*](#) for a comprehensive discussion of this issue.

South Dakota Registration of Firearms

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

South Dakota law prohibits any state agency, political subdivision, official, agent or employee of any state agency or political subdivision from knowingly keeping any list, record, or registry of privately owned firearms, owners of firearms, or holders of permits to carry a concealed handgun.²⁸

This prohibition does not apply to:

- Records of firearms that have been used in committing any crime;
- Permits to carry a concealed handgun records relating to any person who has been convicted of a felony;
- Records of the serial numbers of firearms that have been reported stolen that are retained for a period not in excess of ten days after such firearms are recovered and returned to the lawful owner. However, official documentation recording the theft of a recovered weapon may be maintained no longer than the balance of the year entered and two additional years;
- Firearm records that must be retained by firearm dealers under federal law, including copies of such records transmitted to law enforcement agencies;
- Any on-duty law enforcement officer while conducting routine verification of the validity of a permit to carry a concealed handgun; and
- The secretary of state for the issuance of concealed handgun permits and any access reasonably necessary to verify information with regard to specific permits individually.²⁹

South Dakota law also specifically prohibits any law enforcement officer from retaining any notes, data, or pieces of information, either collectively or individually, regarding privately-owned firearms, owners of privately-owned firearms, or concealed handgun permit holders unless the retention of such information is pertinent to a specific ongoing investigation or prosecution.³⁰

²⁸ [S.D. Codified Laws § 23-7-8.6.](#)

²⁹ [S.D. Codified Laws § 23-7-8.7.](#) [S.D. Codified Laws § 23-7-8.8](#) provides that the prohibitions under [S.D. Codified Laws § 23-7-8.6](#) do not restrict any law enforcement officer in the performance of any official duty if the officer is in the immediate physical presence of a concealed handgun permit holder who has either presented a permit to the officer or declared to the officer that he or she is a permit holder.

³⁰ [S.D. Codified Laws § 23-7-8.9.](#)

Reporting Lost or Stolen Firearms in South Dakota

South Dakota does not require firearms owners to report the loss or theft of a firearm. See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

Firearms in Public Places

Concealed Weapons Permitting in South Dakota

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

South Dakota does not prohibit a person from carrying a concealed handgun on his or her person, loaded or unloaded if the person has a permit.³¹

South Dakota is a "shall issue" state, meaning that local law enforcement must issue a concealed weapons permit if the applicant meets certain qualifications. The sheriff of the county in which the applicant resides must issue a permit to carry a concealed weapon if the applicant:

- Is 18 years of age or older;
- Has never pled guilty to, no contest to, or been convicted of a felony or crime of violence;
- Is not habitually in an intoxicated or drugged condition;
- Has no history of violence;
- Has not been found in the previous ten years to be a "danger to others" or a "danger to self," or is not currently adjudged mentally incompetent;
- Has resided for the past 30 days in the county or municipality where applying for a permit;
- Has not violated any of South Dakota's laws regarding firearms, other weapons, controlled substances or marijuana in the five years preceding the date of application, or is not currently charged with a felony or misdemeanor under those laws;
- Is a United States citizen; and
- Is not a fugitive from justice.³²

Firearm Safety Training

South Dakota does not require applicants for a concealed weapons permit to undergo firearms safety training or demonstrate competence with a firearm.

³¹ [S.D. Codified Laws § 22-14-9](#). [S.D. Codified Laws § 22-14-9](#) does not penalize any person who possesses a handgun in his or her dwelling house or place of business or on land owned or rented by the person or a member of his or her household. [S.D. Codified Laws § 22-14-11](#). See also [S.D. Codified Laws § 22-14-9.1](#) (prohibiting possession of a concealed pistol unless the person also has a permit in his or her physical possession or produces one within 24 hours).

³² [S.D. Codified Laws §§ 23-7-7](#) and [23-7-7.1](#). Additional application and background check requirements, as well as permit revocation information, are detailed under [sections 23-7-8, 23-7-8.1, 23-7-8.2, 23-7-8.3, and 23-7-8.4](#).

Duration & Renewal

A permit to carry a concealed weapon is valid for four years.³³ No provisions of South Dakota law specifically address the renewal of a permit.

Disclosure or Use of Information

South Dakota law prohibits any state agency, political subdivision, official, agent, or employee of any state agency or political subdivision, from knowingly keeping or causing to be kept any list, record, or registry of holders of permits to carry a concealed handgun.³⁴ These entities also may not release or permit access to any application, list, record or registry of applicants or holders of concealed weapon permits except to law enforcement or the secretary of state.³⁵

The prohibition against lists, records, and registries of permit holders does not apply to, *inter alia*: 1) permits to carry concealed handguns relating to any person who has been convicted of a felony; 2) any on-duty law enforcement officer while conducting routine verification of the validity of a permit to carry a concealed handgun; or 3) the secretary of state for the issuance of concealed handgun permits and any access reasonably necessary to verify information with regard to specific permits individually.³⁶

The prohibition also does not restrict any law enforcement officer in the performance of any official duty if the officer is in the immediate physical presence of a permit holder who has either presented a permit to the officer or declared to the officer that he or she is a permit holder.³⁷

South Dakota law also prohibits any law enforcement officer from retaining any notes, data, or pieces of information related to the holders of permits to carry concealed handguns, unless that information is pertinent to a specific ongoing investigation or prosecution.³⁸

Reciprocity

The South Dakota Attorney General is authorized to compare South Dakota laws governing concealed weapons permits with the permit issuance statutes in states with which reciprocity is sought or requested in order to determine whether the laws of the other state meet or exceed the requirements of South Dakota law for the issuance of a permit.³⁹ The South Dakota Secretary of State may enter into reciprocity agreements with other states after the Attorney General has notified the Secretary of State that the other states' laws meet or exceed the provisions of South Dakota law.⁴⁰ Any person permitted to carry a concealed handgun in a state with which the South Dakota Secretary of State has entered

³³ [S.D. Codified Laws § 23-7-8.2.](#)

³⁴ [S.D. Codified Laws § 23-7-8.6.](#)

³⁵ [S.D. Codified Laws § 23-7-8.10.](#)

³⁶ [S.D. Codified Laws § 23-7-8.7.](#)

³⁷ [S.D. Codified Laws § 23-7-8.8.](#)

³⁸ [S.D. Codified Laws § 23-7-8.9.](#)

³⁹ [S.D. Codified Laws § 23-7-7.3.](#)

⁴⁰ [S.D. Codified Laws § 23-7-7.3.](#)

into a reciprocity agreement may carry a concealed handgun in South Dakota if the permit holder does so in compliance with state law.⁴¹

⁴¹ [S.D. Codified Laws § 22-14-9.2](#). See also [S.D. Codified Laws § 23-7-7.4](#) (concerning non-resident concealed handgun permit reciprocity.)

Open Carrying in South Dakota

South Dakota does not prohibit the [open carrying of firearms in public](#).

Location Restrictions

Guns in Vehicles in South Dakota

Generally, South Dakota prohibits the carrying of a concealed handgun, whether loaded or unloaded, in any vehicle while the person is operating the vehicle, unless the person first obtains a [concealed weapons permit](#). This prohibition does not apply if the handgun is unloaded and is carried for any lawful use within a trunk or other closed compartment of a vehicle or in a closed container that cannot be concealed on the person.⁴²

South Dakota law prohibits any person from operating or riding on any motorcycle or off-road vehicle with a loaded firearm that is not within a carrying case entirely enclosing the firearm. This does not apply on land the person owns or leases, or to a person with a permit to carry a concealed weapon or certain persons engaged in hunting.⁴³ No person may operate or ride a snowmobile with a firearm in his or her possession unless the firearm is unloaded and entirely enclosed in a carrying case.⁴⁴ There is no exception for concealed weapon permit holders.

⁴² [S.D. Codified Laws §§ 22-14-9, 22-14-10](#). See also [S.D. Codified Laws §§ 41-5-7](#) and [41-5-8](#) for information on transporting or possessing firearms while hunting.

⁴³ [S.D. Codified Laws § 32-20-6.6](#).

⁴⁴ [S.D. Codified Laws § 32-20A-11](#).

Guns in Schools in South Dakota

South Dakota law prohibits any person from possessing or storing a firearm on or in any elementary or secondary school premises, including school vehicles or buildings.⁴⁵ There is no exception for concealed weapon permit holders. South Dakota law does not address the possession of firearms on college or university campuses.

See [LCAV's policy page on Guns in Schools](#) for further information.

⁴⁵ [S.D. Codified Laws § 13-32-7](#). See also [S.D. Codified Laws § 13-32-4](#) (requiring the expulsion of students for possession of firearms).

Other Location Restrictions in South Dakota

South Dakota law specifically provides that the holder of a concealed weapons permit may carry a concealed pistol anywhere in South Dakota except 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.⁴⁶

In South Dakota, firearms may not be carried in county courthouses.⁴⁷ Even concealed weapons permit holders are subject to this prohibition.

South Dakota has no statutes prohibiting firearms in the following locations, although administrative regulations may apply:

- Parks;
- Hospitals;
- Places of worship;
- Sports arenas;
- Gambling facilities; or
- Polling places.

Note that South Dakota law specifically prohibits any state agency from adopting or promulgating any rule that restricts the right or privilege to carry or possess a pistol in contravention to a license to carry a concealed weapon.⁴⁸

⁴⁶ [S.D. Codified Laws § 23-7-8.1.](#)

⁴⁷ [S.D. Codified Laws § 22-14-12.](#) However, [S.D. Codified Laws § 22-14-24](#) provides an exception for “[t]he lawful carrying of firearms, or other dangerous weapons in a county courthouse incident to hunting, or gun safety course or to other lawful purposes.” Notice of these provisions must be conspicuously posted at each public entrance to each county courthouse. [S.D. Codified Laws § 22-14-26.](#) Courts retain authority to punish and promulgate rules restricting or prohibiting the possession of weapons within courthouses. [S.D. Codified Laws § 22-14-25.](#) Pursuant to [S.D. Codified Laws § 22-14-27](#), it is *not* a defense that a person who violates [S.D. Codified Laws § 22-14-23](#) is a concealed weapon permit holder. A majority of the members-elect of the county commission in any county may waive the provisions of [S.D. Codified Laws § 22-14-23.](#)

⁴⁸ [S.D. Codified Laws § 1-26-6.10.](#)

Consumer & Child Safety

South Dakota Design Safety Standards for Handguns

South Dakota does not specifically regulate junk guns or unsafe firearms. See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

Locking Devices in South Dakota

South Dakota law does not require a locking device to accompany the sale of a firearm (although the [federal law](#) applies). Nor does South Dakota law require firearm owners to lock their weapons. See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

Personalized / Owner-Authorized Firearms in South Dakota

South Dakota does not require firearms to be personalized. See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

South Dakota Child Access Prevention

South Dakota prohibits any person from selling, transferring, giving, loaning, furnishing, or delivering a firearm or firearm ammunition to any person under age 18 if that person knows or reasonably believes the minor intended, at the time of transfer, to use the firearm or ammunition in a crime of violence.⁴⁹ South Dakota has no other law penalizing those who provide children access to firearms.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

⁴⁹ [S.D. Codified Laws § 23-7-46](#). The person transferring the firearm is criminally liable for a felony. *Id.*

Classes of Weapons / Ammunition

Assault Weapons in South Dakota

South Dakota has no law restricting assault weapons. See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

Large Capacity Ammunition Magazines in South Dakota

South Dakota has no law restricting large capacity ammunition magazines. See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles in South Dakota

South Dakota has no law restricting fifty caliber rifles. See [Regulating Guns in America: Fifty Caliber Rifles](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in South Dakota

South Dakota prohibits any person from knowingly possessing a machine gun, except any person who:

- Is a law enforcement officer or member of the armed forces of the U.S. or South Dakota National Guard acting in the lawful discharge of duties;
- Possesses the gun briefly after having found it or taken it from an offender; or
- Has a valid state or federal license issued pursuant to law for the machine gun or has registered the gun with the proper state or federal authority pursuant to law.⁵⁰

Note, however, that federal law generally allows private citizens to register machine guns so long as the machine guns were manufactured prior to May 19, 1986.

See [LCAV's policy page on Machine Guns](#) for further information.

⁵⁰ [S.D. Codified Laws § 22-14-6](#). "Controlled weapon" includes any machine gun. [S.D. Codified Laws § 22-1-2\(8\)](#). "Machine gun" means "any firearm, whatever its size and usual designation, that automatically discharges two or more cartridges by a single function of the firing device." [S.D. Codified Laws § 22-1-2\(23\)](#).

Non-Powder Guns in South Dakota

South Dakota has no law restricting non-powder guns. See [*Regulating Guns in America: Non-Powder Guns*](#) for a comprehensive discussion of this issue.

Ammunition Regulation in South Dakota

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

South Dakota law does not:

- Regulate or prohibit any types of unreasonably dangerous ammunition;
- Require a license for the purchase or possession of ammunition; or
- Require a license to sell ammunition.

In addition, South Dakota only prohibits a person from selling, transferring, giving, loaning, furnishing, or delivering ammunition to a person under age 18, if such person knows or reasonably believes that the minor intends, at the time of transfer, to use the ammunition in the commission or attempted commission of a crime of violence.⁵¹

⁵¹ [S.D. Codified Laws § 23-7-46](#).

Investigating Gun Crimes

South Dakota Microstamping/Ballistic Identification

South Dakota has no law regarding firearm microstamping or ballistic identification. See [*Regulating Guns in America: Ballistic Identification*](#) for a comprehensive discussion of this issue.

South Dakota Trafficking

South Dakota law prohibits any person from giving false information or offering false evidence of his or her identity in purchasing or otherwise securing delivery of a pistol.⁵²

South Dakota prohibits any person who knows that another person is prohibited from possessing a firearm under South Dakota law from knowingly giving, loaning, or selling a firearm to that person.⁵³ South Dakota also prohibits transfer of a firearm or ammunition to a minor if the seller knows or reasonably believes that the minor intended, at the time of transfer, to use the firearm or ammunition in the commission or attempted commission of a crime of violence.⁵⁴

South Dakota law provides that, upon application by an owner of a firearm, the director of the Division of Criminal Investigation shall engrave or stamp a new serial number on any firearm on which the manufacturer's serial number has been changed, altered, removed, or obliterated.⁵⁵ South Dakota law prohibits possession of any firearm on which the manufacturer's serial number has been changed, altered, removed, or obliterated.⁵⁶

South Dakota does **not** penalize a firearms dealer for failing to conduct the federally required background check on a purchaser, or have any other laws aimed at firearms trafficking.

⁵² [S.D. Codified Laws § 23-7-12.](#)

⁵³ [S.D. Codified Laws § 22-14-16.](#)

⁵⁴ [S.D. Codified Laws § 23-7-46.](#)

⁵⁵ [S.D. Codified Laws § 23-7-43.](#)

⁵⁶ [S.D. Codified Laws § 22-14-5.](#)

South Dakota State Links

[Bureau of Alcohol, Tobacco, Firearms & Explosives, St. Paul Field Division \(MN, ND, SD, WI\)](#)

[South Dakota Attorney General](#)