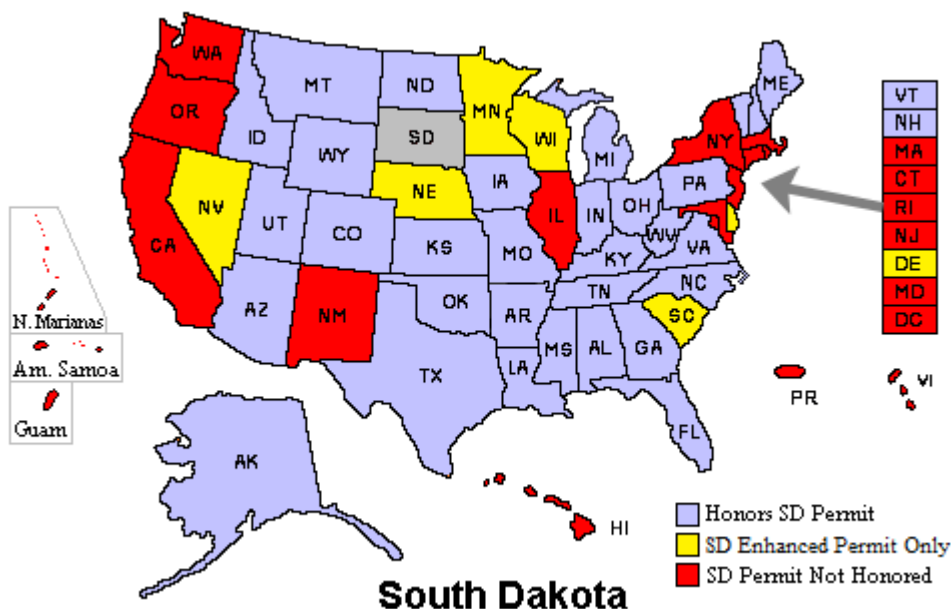


# South Dakota

**Shall Issue**      **Must Inform Officer by Law: NO**  
(See Must Inform Section Below)



- Links**
- [State CCW Site](#)
  - [State CCW Pamphlet](#)
  - [State Firearm Laws](#)
  - [CCW Application](#)
  - [State FAQs](#)
  - [State Statutes](#)
  - [State Admin Rules](#)
  - [Reciprocity States](#)
  - [Transporting Firearms](#)
  - [State Attorney General](#)
  - [Local Sheriff CCW Info](#)
  - Last Updated: 8/20/17**

**Note:** [Alaska](#), [Arizona](#), [Kansas](#), [Maine](#), [Mississippi](#), [Missouri](#), [New Hampshire](#), [Vermont](#) and [West Virginia](#) have “Permitless Carry.” Anyone who can legally possess a firearm may carry it concealed in those states without a Permit/License. Check each states page for more information and any restrictions that may apply.

## Permits/Licenses This State Honors Listed Below

The State of South Dakota recognizes any valid concealed pistol permit issued to a nonresident of South Dakota according to the terms of its issuance in the state of its issue. [§ 23-7-7.4](#)

### South Dakota Honors Non-Resident Permits/Licenses From the States They Honor.

#### Reciprocity/How This State Honors Other States Permit/Licenses

#### [§ 23-7-7.4](#). Nonresident Permit to Carry Concealed Pistol--Validity In South Dakota--Application.

Any valid permit to carry a concealed pistol, issued to a nonresident of South Dakota, is valid in South Dakota according to the terms of its issuance in the state of its issue, but only to the extent that the terms of issuance comply with any appropriate South Dakota statute or promulgated rule. However, if the holder of such a nonresident permit to carry a concealed pistol becomes, at any time, a legal resident of South Dakota, the provisions of this section no longer apply. Source: SL 2005, ch 123, § 1.

## How to Apply for a Permit

**Permit to Carry a Concealed Pistol**      **Note:** More information can be found [Here](#).

A new or renewed Permit to Carry a Concealed Pistol may be obtained from the sheriff of the county which the applicant is a resident ([§ 23-7-7](#)).

**Duration of permit and fees**  
[www.handgunlaw.us](http://www.handgunlaw.us)

Only two types of permits are available in South Dakota at this time - a regular permit and an enhanced permit. The Gold Permit will not be available until after 1/1/17. Both the regular and enhanced permits are valid for five years. The enhanced permit is only valid when is it carried with a government issued form of identification that includes a picture of the permit holder ([§ 23-7-8.2](#), [§ 23-7-55](#)).

The fee for the regular permit is \$10.00 ([§ 23-7-8.2](#)). The fee for the enhanced permit is \$100 ([§ 23-7-53](#)).

The holder of the enhanced permit may renew the permit through the sheriff of the county where the holder resides for a period beginning ninety days before the permit expires and ending thirty days after expiration of the permit, if the holder pays the fifty dollar renewal fee and passes a National Instant Criminal Background Check. If the holder of the enhanced permit to carry a concealed pistol does not renew the permit within thirty days of expiration of the permit, the holder must reapply for an enhanced permit to carry a concealed pistol pursuant to SDCL 23-7-53 ([§ 23-7-56](#)).

**For a list of Enhanced Concealed Pistol Use of Force Instructor Go [Here](#)**

### **Applicant requirements**

For both regular and enhanced permits the applicant must meet the following requirements ([§ 23-7-7.1](#)):

- Is eighteen years-of age or older;
- Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence;  
*Note: "Crime of violence" is defined in [§ 22-1-2 \(9\)](#)*
- 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" as defined in [§ 27A-1-1](#) or is not currently adjudged mentally incompetent;
- Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application;
- Has had no violations of chapter [§ 23-7](#), firearms control, [§ 22-14](#), unlawful use of weapons, or [§ 22-42](#), controlled substances; marijuana, constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under
- Is a citizen of the United States or legal resident alien; and
- Is not a fugitive from justice.

In addition to the above requirements, the enhanced permit also requires:

- A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal history background check;
- An authorization to run a fingerprint background check;
- A separate payment for the cost of processing the fingerprint background check;
- Proof that the applicant has successfully completed a qualifying handgun course as defined in [§ 23-7-58](#) within the preceding twelve months or proof that the applicant is a current or former South Dakota law enforcement officer.

The sheriff shall forward the copy of the applicant's fingerprints, the applicant's authorization for processing a fingerprint background check, and the payment for the fingerprint background check to the Division of Criminal Investigation for processing ([§ 23-7-53](#)).

### **Temporary Application**

The applicant for a regular or enhanced permit must complete a form called an Application for a Temporary Permit to Carry a Concealed Pistol. The information required for the permit includes: the applicant's complete name, address, occupation, place and date of birth, physical description, a statement that the applicant has never pled guilty to, nolo contendere to, or been convicted of a felony or crime of violence, a sworn statement that the information on the application is true and correct, and the applicant's signature ([§ 23-7-8](#)).

Providing false information or false evidence of identity in applying for a permit to carry a concealed pistol is a Class 6 felony punishable by two years imprisonment in the state penitentiary or a fine of two thousand dollars, or both.

The sheriff will issue a regular temporary permit within five days from the date of application ([§ 23-7-7.1](#)). Because of the fingerprint background investigation for an enhanced permit, the issuance of the enhanced temporary permit may take longer.

Within seven days after the regular or enhanced temporary permit has been issued, the sheriff shall send a copy of the application to the secretary of state who issues the official permit within 30 days of the issuance of the temporary permit ([§ 23-7-8](#)).

**Note:** South Dakota is going with an Enhanced Permit to obtain more Reciprocity.

## Non-Resident Permits

South Dakota does not issue Non-Resident Permit/Licenses except as described below.

[§ 23-7-7.5](#). Active duty military personnel and spouses. Any person who is active duty military, or the spouse of a person who is active duty military, with a home of record in South Dakota is considered to have met the provisions of subdivision 23-7-7.1(6). **Source:** SL 2009, ch 121, § 3; SL 2015, ch 136, § 1.

**Note:** Active Military and their spouse living out of state with their home of record South Dakota can apply for a South Dakota Permit to Carry.

## Places Off-Limits Even With a Permit/License

- 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. [§ 23-7-8.1](#)
- Elementary or Secondary School Premises or Vehicle [§ 13-32-7](#).
- Courthouses [§ 22-14-22](#). County courthouse defined. For the purposes of §§ 22-14-23 to 22-14-28, inclusive, the term, county courthouse, means the state capitol or any building occupied for the public sessions of a circuit court, with its various offices. The term includes any building appended to or used as a supplementary structure to a county courthouse. **Source:** SL 1993, ch 173, § 1; SL 2005, ch 120, § 261.

**Note:** South Dakota passed a law allowing School Boards along with the Local Police to set up a program to have armed Guards/Staff in schools. They must set up a program and School Staff would have to go through their requirements to be allowed to carry in their schools. Check with your School Administrator to see if your school is setting up such a program to allow staff to carry. School property is still off limits unless your school sets up a program and you are part of it.

---

For Federal Restrictions on Firearms see the [USA Page](#).

## Do “No Gun Signs” Have the Force of Law?

“NO”

“Handgunlaw.us highly recommends that you not enter a place that is posted "No Firearms" no matter what the state laws read/mean on signage. We recommend you print out the [No Guns = No Money Cards](#) and give one to the owner of the establishment that has the signage." As responsible gun owners and upholders of the 2nd Amendment we should also honor the rights of property owners to control their own property even if we disagree with them.”

“No Firearm” signs in South Dakota have no force of law unless they are posted on property that is specifically mentioned in State Law as being off limits to those with a Permit/License to Carry. If you are in a place not specifically mentioned in the law that is posted and they ask you to leave, you must leave. If you refuse to leave then you are breaking the law and can be charged. Even if the property is not posted and you are asked to leave you must leave. Always be aware of the possibility that responding Police Officers who may have been called without your knowledge and may not know the laws on trespass etc. could arrest you even if you are within the law.

## Must Inform Officer Immediately on Contact By Law?

“NO”

[§ 22-14-9.1](#). Person possessing concealed pistol to have physical possession of valid permit--Violation as petty offense--Charge dismissed. No person may possess a concealed pistol in accordance with chapter 23-7 or this chapter unless that person also has in his or her physical possession a valid South Dakota permit to carry a concealed pistol or a permit effective pursuant to § 23-7-7.3. Any violation of this section is a petty offense. However, if within twenty-four hours of being charged with a violation of this section, the person produces a permit to carry a concealed pistol which was valid at the time of the alleged offense in the office of the officer making the demand, the charge shall be dismissed. **Source:** SL 2002, ch 118, § 2; SL 2005, ch 120, § 248.

## Carry In State Parks//WMA/Road Side Rest Areas & St. /Nat. Forests

**Carry Allowed in these Areas:**

**State Parks:** YES [§ 1-26-6.10](#).

**State/National Forests:** YES [§ 1-26-6.10](#).

**State WMA's:** YES [§ 1-26-6.10](#).

**Road Side Rest Areas:** YES [§ 1-26-6.10](#).

## RV/Car Carry Without a Permit/License

[§ 22-14-9](#) **Carrying Pistol or Revolver Without a Permit as Misdemeanor.** Any person, other than a law enforcement officer or parole agent acting under color of authority, who:

- (1) Carries a pistol or revolver, loaded or unloaded, concealed on or about his or her person without a permit as provided in chapter 23-7; or
- (2) Carries a pistol or revolver, loaded or unloaded, concealed in any vehicle while operating the vehicle, without a permit as provided in chapter 23-7; is guilty of a Class 1 misdemeanor. **Source:** SDC 1939, § 21.0105; SDCL § 23-7-5; SL 1976, ch 158, § 14-6; SL 1977, ch 189, § 29; SL 1985, ch 190, § 20; SL 2005, ch 120, § 247; SL 2009, ch 114, § 1.

**§ 22-14-10.** Lawful uses of unloaded pistols or revolvers--Concealment--Exempt from permit requirement. The provisions of § 22-14-9 do not apply to any person carrying any unloaded pistol or revolver for the purpose of, or in connection with, any lawful use, if the unloaded pistol or revolver is carried:

- (1) In the trunk or other closed compartment of a vehicle; or
  - (2) In a closed container which is too large to be effectively concealed on the person or within the person's clothing. The container may be carried in a vehicle or in any other manner. No person who complies with this section may be required to obtain a permit for the lawful uses described in this section.
- Source: SDC 1939, § 21.0106; SDCL, § 23-7-6; SL 1976, ch 158, § 14-6; SL 1977, ch 189, § 30; SL 1985, ch 190, § 21; SL 2005, ch 120, § 250.

**Note:** The Attorney General gave an Unofficial Opinion on Car Carry on September 17, 2004. The Attorney General Stated that South Dakota Law allowed anyone to carry a loaded Firearm inside a vehicle without a permit as long as the firearm was visible. You can read the Attorney Generals Opinion [Here](#).

## Open Carry (Without a Valid Permit/License)

Open Carry is legal. Places as listed in the “Places Off Limits” above apply to those who open carry. South Dakota law states only a permit holder can carry a concealed firearm in a vehicle and the SD AG gave an opinion on openly carrying in a vehicle without a permit/license. You can see that opinion [Here](#). See the “RV/Car Carry Without a Permit” section for carrying in a vehicle.

The state preempts all firearm laws in the state and local authorities can't have Laws/Ordinances against open carry. Remember that if you enter any property and the owner/responsible person ask you to leave you must leave. Failure to leave can result in Trespass Charges. The Minimum age for Open Carry is 18.

In some states Open Carry is forbidden in places where those with a valid permit/license can carry. This is not the last word on Open Carry in this state. Check at [www.opencarry.org](http://www.opencarry.org) or go to Google and type in State Name Open Carry or Open Carry State Name for a search for open carry info in this state. Check with the [State's RKBA](#) Organization/s. Also see “Attorney General Opinions/Court Cases” Section for any written opinions/Cases on Open Carry.

## State Preemption

### **§ 7-18A-36. Firearms Regulation Ordinances Prohibited.**

Firearms regulation ordinances prohibited. No county may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void. Source: SL 1983, ch 38, § 2.

### **§ 8-5-13. Firearms Regulation Ordinances Prohibited.**

Firearms regulation ordinances prohibited. No township may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void. Source: SL 1983, ch 38, § 3.

### **§ 9-19-20. Firearms Regulation Ordinances Prohibited.**

Firearms regulation ordinances prohibited. No municipality may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void. Source: SL 1983, ch 38, § 1.

**§ 1-26-6.10. Restriction of Licensee's Right or Privilege to Carry or Possess Pistol Prohibited.** No state agency may adopt or promulgate any rule that restricts any right or privilege to carry or possess a pistol in contravention to authority being exercised in accordance with being licensed to carry a concealed pistol pursuant to chapter 23-7. Source: SL 2006, ch 5, § 1.

## Deadly Force Laws

### Title 22: Crimes Chapter 16 & 18

[§ 22-16-30](#) Excusable homicide--Lawful acts.

[§ 22-16-31](#) Excusable homicide--Heat of passion--Provocation--Sudden combat--Limitations.

[§ 22-16-32](#) Justifiable homicide-Law enforcement officers or at command of officer—Overcoming resistance — Capturing or arresting fleeing felons.

[§ 22-16-33](#) Justifiable homicide--Apprehending felon--Suppressing riot--Preserving peace.

[§ 22-16-34](#) Justifiable homicide--Resisting attempted murder--Resisting felony on person or in dwelling house.

[§ 22-16-35](#). Justifiable homicide--Defense of person--Defense of other persons in household.

[§ 22-18-3](#) Lawful force in arrest and delivery of felon.

[§ 22-18-4](#) Justifiable use of force to protect property--Use of deadly force--Duty to retreat.

[§ 22-18-5](#) Reasonable force used by parent, guardian, or teacher in correcting child, pupil, or ward.

[§ 22-18-6](#) Reasonable force used by carrier to expel passenger--Vehicle stopped.

## Knife Laws State/Cities

To access State/Local Knife Laws Click [“Here”](#)

## Carry in Restaurants That Serve Alcohol

**YES**     [§ 23-7-8.1](#)

**Note:** A “YES” above means you can carry into places like described below. “NO” means you can’t. Handgunlaw.us definition of “Restaurant Carry” is carry in a restaurant that serves alcohol. Places like Friday’s or Red Lobster unless posted with “No Gun Signs.” This may or may not mean the bar or the bar area of a restaurant. But you can carry your firearm into a restaurant that serves alcohol and sit and eat without consuming. Handgunlaw.us recommends you not sit at the Bar or in the Bar area of such restaurants. In some states it is illegal to be in the Bar area of such restaurants. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm. If you want further info on carrying in places that serve alcohol check your state laws.

## Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

Handgunlaw.us could find no restrictions in South Dakota Law concerning Chemical Sprays, Stun Guns Or Higher Capacity Magazine Bans.

## LEOSA State Information

[South Dakota LEOSA Information](#)

[AG's Explanation of the Law on Carrying Firearms in Vehicles.](#)

The Law Enforcement Officers Safety Act of 2004 amended the Federal criminal code to authorize qualified law enforcement officers (including certain qualified retired officers) carrying the photographic

identification issued by their governmental agency, notwithstanding State or local laws, to carry a concealed firearm. The federal law provides that such authorization shall not supersede State laws that:

- (1) permit private entities to prohibit the possession of concealed firearms on their property; or
- (2) prohibit the possession of firearms on State or local government property. The law also excludes from the definition of "firearm" any machine gun, firearm silencer, or destructive device.

See the LEOSA Section on the [USA Page](#) at Handgunlaw.us for more LEOSA Information.

## Attorney General Opinions/Court Cases

### [South Dakota AG - Car Carry](#)

## Airport Carry/Misc. Information

**Airport Carry:** No law found.

**Training Valid for:** No set time period

**Time Period to Establish Residency:** 30 Days

**Minimum Age for Permit/License:** 18

**Permit/License Info Public Information:** NO

**State Reciprocity/How They Honor Other States Statute:** § 23-7-7.4.

**State Fire arm Laws:** § 23-7-1 thru § 23-7-46 & § 22-14-1 thru § 22-14-30 & § 13-32-7

**State Deadly Force Laws:** § 22-16-30 thru § 22-16-33

**State Knife Laws:** § 22-1-2

**Chemical/Electric Weapons Laws:** No Law Found.

**Body Armor Laws:** No laws found.

**Does Your Permit Cover Other Weapons Besides Firearms?** NO § 23-7-1 & § 23-7-7.

**Is carrying of a Concealed Firearm with Permit/License for Defensive Purposes Only While Hunting Legal?** YES SD Game, Fish and Parks Hunting Regulations

## Notes:

### What Does SD Consider A Loaded Firearm?

Title 41 Game, Fish, Parks And Forestry

[§ 41-1-1](#). Definition of Terms. Terms Used in This Title Mean:

(15) "Loaded firearm," any firearm or other implement capable of discharging a projectile, containing cartridges, shells or projectiles in either the chamber, clip, or magazine;

### State Emergency Powers

[§ 34-48A-5](#). Authority of Governor in time of disaster, terrorist attack, or emergency. In the event of disaster, war, act of terrorism as defined in state law, or emergency that is beyond local government capability, the Governor:

(1) May assume direct operational control over all or any part of the emergency management functions within the state which may affect all or any portion of the state;

(2) May declare an emergency or disaster to exist in the stricken area and employ emergency management to assist local authorities to affect relief and restoration;

(3) May call upon and use any facilities, equipment, other nonmedical supplies, and resources available from any source, other than personal or private funds, in order to carry out the purposes of this chapter by contributing to the expense incurred in providing relief in such amounts as the Governor shall determine. However, nothing in this subdivision may be construed to authorize the taking of firearms, as defined in subdivision 22-1-2(16), without the consent of the owner;

(4) May suspend the provisions of any rules of any state agency, if strict compliance with the provisions of the rule would in any way prevent, hinder, or delay necessary action in managing a disaster, war, act of terrorism, or emergency, including fire, flood, earthquake, severe high and low temperatures, tornado storm, wave action, oil spill, or other water or air contamination, epidemic, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action, which is determined by the Governor to require state or state and federal assistance or actions to supplement the recovery efforts of local governments in alleviating the damage, loss, hardship, or suffering caused thereby;

(5) May control the ingress and egress in a designated disaster or emergency area, the movement of vehicles upon highways within the area, the movement of persons within the area, and the occupancy of premises within the area;

(6) May procure, acquire, store, distribute, and dispense any pharmaceutical agents or medical supplies located within the state as may be reasonable and necessary to respond to the disaster, emergency, or act of terrorism;

(7) May appoint and prescribe the duties of such out-of-state health care providers as may be reasonable and necessary to respond to the disaster, emergency, or act of terrorism;

(8) May provide for the examination and safe disposal of any dead body as may be reasonable and necessary to respond to the disaster, emergency, or act of terrorism; and

(9) May provide for the protection, construction or reconstruction, repair, and maintenance of public or private transportation facilities.

The powers granted to the Governor under this section shall remain in effect for a period of six months and may be restored for one or more successive six-month periods by declaration of the Governor that the conditions permitting such powers persist. **Source:** SL 1949, ch 236, § 6; SL 1951, ch 285, § 6; SL 1955, ch 236, § 3; SDC Supp 1960, § 41.01C05 (1); SL 1977, ch 271, § 4; SL 1989, ch 283, § 1; SL 2002, ch 162, §§ 1, 2; SL 2004, ch 223, § 1; SDCL § 33-15-8.

**Note:** Federal Law can apply if the state is receiving monetary and/or other assistance from the Federal Government. See [US Code 42-5207](#) for Federal Law as it applies to States of Emergencies. The state quoted code may also not be all of the law on Emergency Powers held by the state. You should read the entire code on Emergency Powers etc for this state by following the link to the state code.

### **Minimum Age for Possessing and Transporting of Handguns.**

**South Dakota 18 Y/O**      [§ 23-7-46](#)

This is the minimum age for possessing and transporting a handgun unloaded and secured in a vehicle without any type of permit/license to carry firearms.

Some states (and counties) require Firearms Identification Cards, and/or registration.

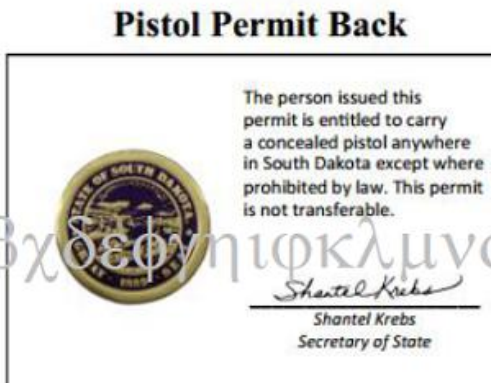
This is not the last word on possession and transporting of handguns in this, or any other state. Study your state law further for more information. See “RV/Car Carry” Section Above for more information.

**Note:** In some states Possession and Transportation CAN be very restrictive in that you can ONLY

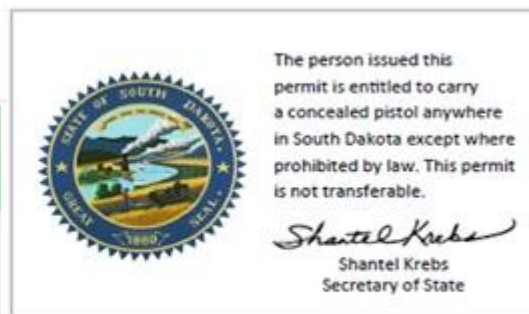


possess and transport a handgun to and from a Shooting Range, Gun Shop, property you own or other places you can legally possess a handgun. Some states do not have this restriction.

## Permit/License Image



Below is the new permit that South Dakota Issues. The header plus color on the permit will show which of the three different permits it is that South Dakota Issues. They are plastic and the same size as SD Drivers Licenses.



## Updates to this Page

[Archive of Previous Updates](#) 3

- 2/1/17 - New Image of South Dakota Permit Added to Permit Image Section.
- 2/8/17 - All Links Checked and Repaired if Needed.
- 2/21/17 - New Hampshire Now Honors South Dakota.
- 2/24/17 - New Hampshire Added as Permitless Carry State to List of States Under Map at Top of Page.
- 8/20/17 - All Links Checked and Repaired if Needed.