

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

372U0491

HOUSE BILL NO. 1222

Introduced by: Representatives Nelson, Campbell, Craig, Greenfield, Hickey, Kaiser, Kopp, May, Olson (Betty), Qualm, Russell, Schoenfish, Stalzer, Steele, Verchio, and Wick and Senators Begalka, Ewing, Jensen, Kirkeby, Lederman, Maher, Monroe, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to provide that any federal law that attempts to ban
2 firearms, to limit the size of firearm magazines, or to impose other limitations on firearms
3 is unenforceable in South Dakota, to provide a penalty, and to declare an emergency.

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

5 Section 1. That chapter 37-35 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No public employee as defined in § 3-21-1, or dealer selling any firearm in this state may
8 enforce or attempt to enforce any act, law, statute, rule, or regulation of the United States
9 government relating to a personal firearm, firearm accessory, or ammunition that is owned or
10 manufactured commercially or privately in South Dakota and that remains exclusively within
11 the borders of South Dakota.

12 Section 2. That chapter 37-35 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any official, agent, or employee of the United States government who enforces or attempts



1 to enforce any act, order, law, statute, rule, or regulation of the United States government upon
2 a personal firearm, a firearm accessory, or ammunition that is owned or manufactured
3 commercially or privately in South Dakota and that remains exclusively within the borders of
4 South Dakota is guilty of a Class 6 felony and, upon conviction, is subject to imprisonment for
5 not less than one year, a fine of not more than four thousand dollars, or both.

6 Section 3. That chapter 37-35 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 The attorney general may defend a citizen of South Dakota who is prosecuted by the United
9 States government for violation of a federal law relating to the manufacture, sale, transfer, or
10 possession of a firearm, a firearm accessory, or ammunition owned or manufactured and
11 retained exclusively within the borders of South Dakota.

12 Section 4. That chapter 37-35 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any federal law, rule, regulation, or order created or effective on or after January 1, 2013,
15 is unenforceable within the borders of South Dakota if the law, rule, regulation, or order
16 attempts to:

- 17 (1) Ban or restrict ownership of a firearm or any magazine of a firearm; or
- 18 (2) Require any firearm, magazine, or other firearm accessory to be registered in any
19 manner.

20 Section 5. Whereas, this Act is necessary for the immediate preservation of the public peace,
21 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
22 effect from and after its passage and approval.