



CONCEALED CARRY IN SOUTH DAKOTA

Summary of Pertinent Statutes

- South Dakota is a “constitutional carry” state and no permit is required to carry a handgun openly or concealed on or about the person. This applies to both residents and non-residents of South Dakota. However, this does not restore any rights to those who are ineligible to get permits or who are prohibited from owning or possessing firearms under applicable state and federal law. (SDCL 23-7-7, 23-7-7.4)
- Residents can still obtain the standard, enhanced, and gold card pistol permits according to their terms of issuance in statute. Permits are issued only by the sheriff of the county in which the applicant resides. Municipal police departments cannot issue permits.
- South Dakota recognizes any valid concealed pistol permit issued to a nonresident of South Dakota according to the terms of its issuance. This applies whether or not there is a reciprocity agreement in place. (SDCL 23-7-7.4)
- South Dakota has reciprocity agreements with many states. A map of those states that recognize SD permits is on the reverse. (SDCL 23-7-7.3)
- Minors may possess pistols with the prior written permission of their parent or guardian, while on lands owned or leased by the immediate family, or for farming, ranching, hunting, trapping, target shooting, or gun safety instruction. Minors may carry concealed pistols only in the presence of their parent or legal guardian. (SDCL 23-7-45, 23-7-71)
- Permits are issued by the Sheriff of the county in which the applicant resides.
- Open carry of handguns, rifles, and shotguns is legal in SD, with or without a permit.
- Rifles and shotguns are not required to be cased in cars, trucks, motorcycles, ATVs, or snowmobiles.
- Bearers of concealed handguns are not required to disclose that they are carrying when in contact with law enforcement, other emergency responders, or any other person.
- Signs advising “no guns allowed”, “no weapons”, and similar language have no force of law unless the location is one of the specifically prohibited locations identified in statute. See list below. The owner of private property or their designee may ask anyone carrying firearms to leave or remove the firearm from the property.
- Cities and counties may not restrict the possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any city or county ordinances prohibited by this section are null and void. Similarly, state agencies may not restrict carry or possession of a concealed pistol except as otherwise specified by state law. (SDCL 7-18A-36, 8-5-13, 9-19-20, 1-26-6.10)
- It is against the law to possess a loaded firearm while intoxicated. The term “intoxicated” generally applies the .08 BAC and/or demonstrated impairment standards for driving as the prevailing measure of intoxication. This applies to both intoxicating beverages and other substances. (SDCL 22-14-7, SDCL 22-1-2 (21), SDCL 32-23-1)
- Open and concealed carry, with or without a permit, is prohibited 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 (SDCL 23-7-70); any public elementary or secondary schools or school vehicles (SDCL 13-32-7); and any county courthouse as defined in SDCL 22-14-22 (SDCL 22-14-23). Concealed carry in the state capitol is permitted by holders of the enhanced permit, with 24 hours notice to the superintendent of the SD Highway Patrol. (SDCL 22-14-24) State law provides exemptions to certain employees of county courthouses and the state capitol, see SDCL 22-14-24 for further detail.



- Open and concealed carry in state parks and recreation areas is legal with or without a permit. (SDCL 1-26-6.10)
- Open and concealed carry in national parks, national grasslands, national forests, and other similar federal lands is generally legal. Buildings, facilities, and structures within federally controlled properties is regulated under applicable federal code and generally prohibited. Please contact the agency of responsibility for those areas for further information.
- Open and concealed carry within the boundaries of any Department of Defense installation is generally prohibited. Those subject to the Uniform Code of Military Justice face prosecution. Those not subject to UCMJ may be removed from the installation.
- Open and concealed carry within the boundaries of tribal lands is generally legal. Tribal authorities may set conditions for firearms possession by those who fall under tribal jurisdiction. Tribes do not have criminal jurisdiction over non-indians, but possession of firearms contrary to tribal rules may result in removal from tribal lands. Please contact the agency of responsibility for those lands for further information.
- South Dakota has no laws governing “printing” or any other term used to describe the inadvertent exposure of a concealed handgun to view. Any public alarm or annoyance due solely to the visibility of a concealed or openly carried firearm does not constitute an unlawful act without the other required elements of an applicable offense.
- Possession at “Federal Facility” Prohibited, 18 U.S.C. 930 (a)
 - The term “Federal Facility” means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for performing their official duties

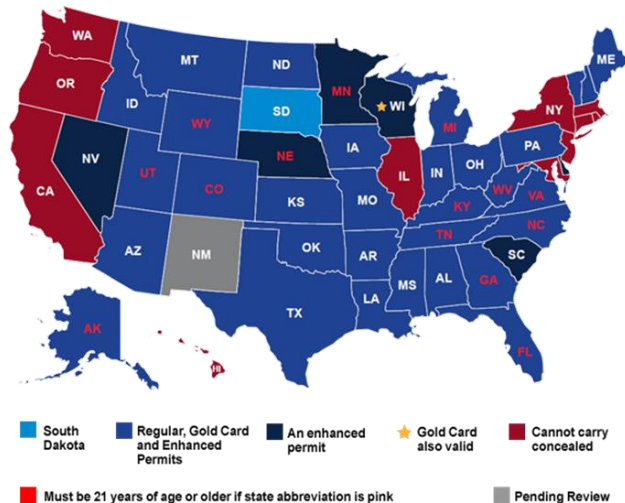
Firearms statutes are found primarily in SDCL 22-14, and 23-7. Other Source Links:

[http://www.sdsos.gov/Services-for-Individuals/assets/2016SDFirearmLaws%20Handbook%20\(updated%2010.01.16\).pdf](http://www.sdsos.gov/Services-for-Individuals/assets/2016SDFirearmLaws%20Handbook%20(updated%2010.01.16).pdf)

[https://www.sdsos.gov/Services-for-Individuals/assets/2016SDFirearmLaws%20Handbook%20\(updated%2010.01.16\).pdf](https://www.sdsos.gov/Services-for-Individuals/assets/2016SDFirearmLaws%20Handbook%20(updated%2010.01.16).pdf)

<http://www.nraila.org/statelawpdfs/SDSL.pdf>

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(Map Courtesy of the SD Secretary of State)