

# Quick Facts: South Dakota Firearms Laws

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- 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)
- Minors may carry pistols openly or concealed while in the presence of their parent or guardian, while on lands owned or leased by the immediate family, or for certain agricultural, recreational, and educational purposes. (SDCL 23-7-45, 23-7-71)
- 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.
- In addition to constitutional carry provisions, 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.)
- In addition to handguns, open carry of rifles and shotguns is legal for both residents and non-residents.
- Rifles and shotguns are not required to be cased in cars, trucks, and 4-wheeled UTVs with seats and steering wheels. Firearms must be cased on motorcycles, snowmobiles, and other off-road vehicles. Concealed or open carry of a handgun on these vehicles is lawful only with a concealed pistol permit. (SDCL 32-20-6.6)
- Bearers of concealed handguns are not required to disclose that they are carrying when in contact with law enforcement or any other emergency responders.
- Signs advising “no guns allowed”, “no weapons”, and similar language have no force of law unless the location is one of the specifically listed and 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 county courthouse as defined in SDCL 22-14-22 (SDCL 22-14-23); and any public elementary or secondary schools or school vehicles (SDCL 13-32-7). Concealed carry in the state capital is permitted by holders of the enhanced permit, with 24 hours notice to the superintendent of the SD Highway Patrol. (SDCL 22-14-24)
- 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. 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 tribal members and non-member native peoples. 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.
- The State of South Dakota makes no laws governing “brandishing”, “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 the firearm does not constitute an unlawful act without the other required elements of a possibly applicable offense.

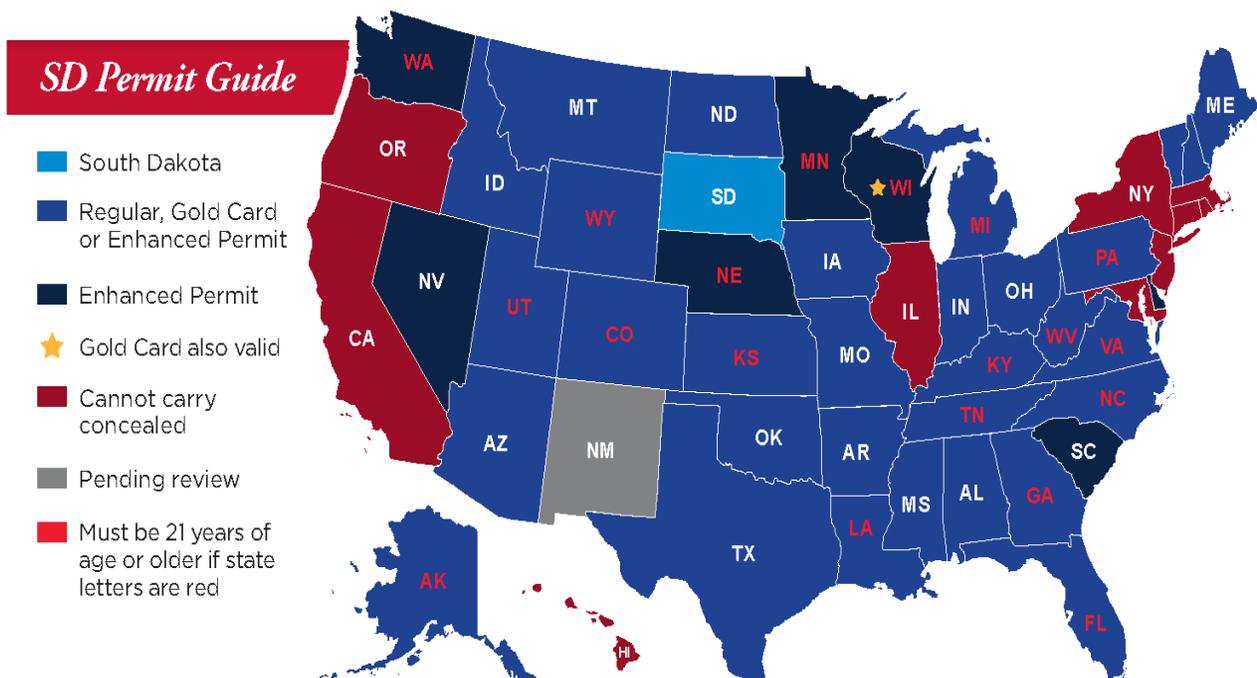
Firearms control statutes are found primarily in SDCL 22-14, and 23-7, here:

[http://sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=22-14](http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=22-14)  
[http://sdlegislature.gov/statutes/Codified\\_laws/DisplayStatute.aspx?Statute=23-7&Type=Statute](http://sdlegislature.gov/statutes/Codified_laws/DisplayStatute.aspx?Statute=23-7&Type=Statute)

You may also find these resources helpful:

<http://www.handgunlaw.us/states/southdakota.pdf>  
<https://www.nraila.org/gun-laws/state-gun-laws/south-dakota/>  
<https://sdsos.gov/general-services/assets/2019SDFirearmLawsHandbook20190701.pdf>

*(Map courtesy of the SD Secretary of State)*



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