

Quick Facts: South Dakota Firearms Laws

Rev. 07/24/2023

- South Dakota is a “constitutional carry” state. No permit is required to carry a concealed handgun 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 possessing firearms or ammunition under any state or federal law. (SDCL 23-7-7)
- Open carry of all firearms is legal for both residents and non-residents of South Dakota.
- Eligible residents can still obtain South Dakota’s standard, enhanced, or gold card pistol permits according to their terms of issuance. All permits are issued by the Sheriff of the county in which the applicant resides. Municipal police departments cannot issue permits. (SDCLs 23-7-7, 23-7-53, 23-7-60, 23-7-72)
- South Dakota has reciprocity agreements with many other states. See the map on the reverse for those states recognizing South Dakota permits and visit <https://sdsos.gov/> for the most current map. (SDCL 23-7-7.3)
- Minors (<18yo) may possess pistols with prior written permission of their parent or guardian, and while on lands owned or leased by the immediate family, while being used for farming, ranching, hunting, trapping, target shooting, or while in the presence of a licensed or accredited gun safety instructor. Minors may carry concealed pistols only in the presence of their parent or legal guardian. (SDCLs 23-7-45, 23-7-71)
- Rifles and shotguns are not required to be cased in cars, trucks, motorcycles, ATVs, UTVs, or snowmobiles.
- 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 required elements of a criminal offense.
- It is against the law to possess a loaded firearm while intoxicated. The term “intoxicated” generally applies the .08 BAC and/or standards for impaired driving as the primary measure of intoxication. (SDCLs 22-14-7, 22-1-2(21), 32-23-1)
- A loaded firearm is defined as any functional firearm that contains a cartridge, shell, or projectile in the chamber, including any chamber in the cylinder of a revolver. (SDCL 22-1-2(22A))
- Residents and non-residents that are carrying firearms are not required to disclose that they are armed when in contact with law enforcement, other emergency responders, or any other person.
- Townships, cities, and counties may not restrict the possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms, ammunition, or their components. Any ordinances that do are null and void. State agencies may not restrict carry or possession of a concealed pistol except as otherwise specified by state law. (SDCLs 7-18A-36, 8-5-13, 9-19-20, 1-26-6.10)
- No state agency, local government, or any of their officials or employees may keep lists, records, or registries of firearms owners, privately owned firearms, or concealed carry permit holders. (SDCL 23-7-8.6)
- Signs advising “no guns allowed”, “no weapons”, and similar language have no force of law in South Dakota unless the location is specifically prohibited in state statute. The owner of private property or their designee may ask anyone carrying a firearm to leave or remove the firearm from the property.
- 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 with an enhanced permit with 24 hours notice to the superintendent of the SD Highway Patrol. (SDCL 22-14-24) State law provides certain exceptions to employees of county courthouses and the state capitol, see SDCL 22-14-24 for details.

- Concealed carry in state parks and recreation areas is legal with or without a permit. Certain restrictions apply to uncased firearms in those areas, but a firearm legally transported in a motor vehicle, trailer camper, or boat is considered cased for purposes of that section. (SDCL 1-26-6.10, ARSD 41:03:01:16)
- Open and concealed carry in national parks, grasslands, forests, and similar federal lands is generally legal. Buildings, facilities, and structures within federally controlled properties is regulated and generally prohibited. For further information, contact the agency of responsibility for those areas.
- Open and concealed carry within Department of Defense installations and properties is generally prohibited by provisions of DOD regulation or federal law. Members subject to the Uniform Code of Military Justice face prosecution. Others not subject to UCMJ may be removed from the installation.
- Open and concealed carry within tribal lands in South Dakota is generally legal. Tribal authorities may regulate firearms possession by those subject to tribal jurisdiction. Tribes do not have jurisdiction over non-indians, but possession of firearms contrary to tribal rules may result in removal from tribal lands. For further information, contact the tribal government responsible for the lands in question.
- Machine guns, short-barreled rifles or shotguns, and suppressors are “controlled weapons” in South Dakota, and are regulated by federal law. Owners who have met the requirements of federal law have satisfied South Dakota law. South Dakota does not regulate “assault weapons” or magazine capacity. (SDCL 22-14-6, 22-1-2(8))

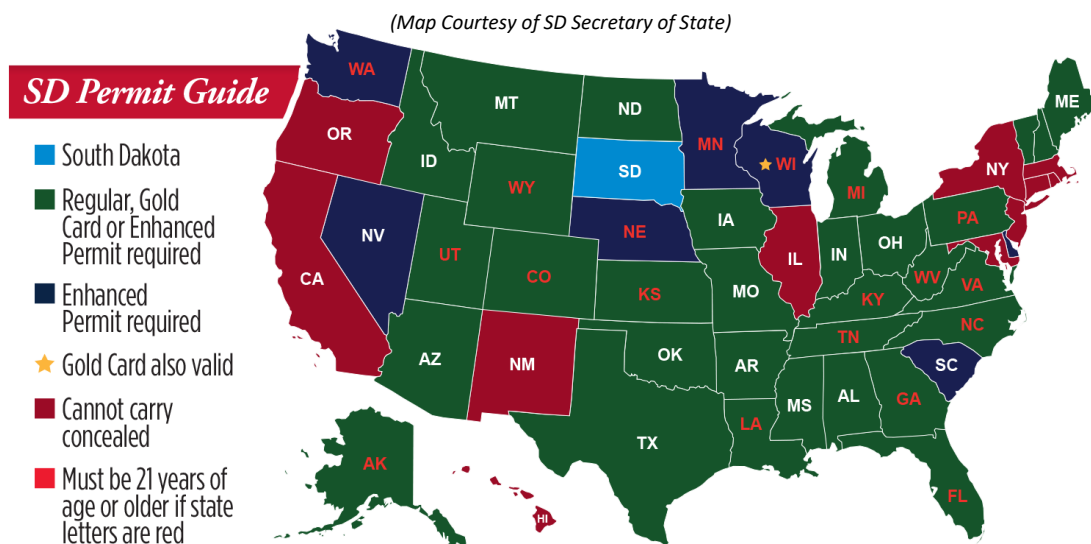
Additional Resources

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

https://sdlegislature.gov/Statutes/Codified_Laws/2047154 - https://sdlegislature.gov/Statutes/Codified_Laws/2048105

Other potentially helpful sources:

<https://www.handgunlaw.us/states/southdakota.pdf> - <https://www.nrila.org/gun-laws/state-gun-laws/south-dakota/>



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