



2024 South Dakota Legislature

House Bill 1153

Introduced by: **Representative Duba**

1 **An Act to impose a reporting requirement regarding a lost or stolen firearm and to**
 2 **provide a penalty therefor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 22-30A:**

5 Any individual who owns a firearm, as defined in § 22-1-2, shall report the loss or
 6 theft of the firearm to the law enforcement agency having jurisdiction over the location in
 7 which the loss or theft occurred, if known, or to the law enforcement agency having
 8 jurisdiction over the location at which the individual resides.

9 Any entity that owns a firearm, as defined in § 22-1-2, shall report the loss or theft
 10 of the firearm to the law enforcement agency having jurisdiction over the location in which
 11 the loss or theft occurred, if known, or to the law enforcement agency having jurisdiction
 12 over the location at which the entity conducts business.

13 Except as otherwise provided for in section 3 of this Act, the report required by this
 14 section must be made within forty-eight hours of the time the individual or entity knew or
 15 should have known of the loss or theft.

16 Any individual or entity violating this section is guilty of a Class 1 misdemeanor.
 17

18 **Section 2. That a NEW SECTION be added to chapter 22-30A:**

19 A law enforcement officer taking a report of a lost or stolen firearm, as required by
 20 section 1 of this Act, shall attempt to obtain from the reporter:

- 21 (1) The type of the firearm;
 22 (2) The make, model, and caliber of the firearm;
 23 (3) The manufacturer of the firearm;
 24 (4) The serial number of the firearm;
 25 (5) Any distinguishing feature of the firearm; and

1 (6) Any relevant information regarding the time, place, or manner of the loss or theft.
2 The law enforcement officer shall provide the reporter with a copy of the report or
3 a receipt confirming the report and shall enter the information into the National Crime
4 Information Center's computerized index of criminal justice information.

5 **Section 3. That a NEW SECTION be added to chapter 22-30A:**

6 The requirement to report the loss or theft of a firearm within forty-eight hours of
7 the time the individual or entity knew or should have known of the loss or theft, as imposed
8 by section 1 of this Act, is not applicable if:

- 9 (1) The law enforcement agency to which the report was to have been made was
10 closed, or otherwise inaccessible, during the required reporting period, provided
11 the report is made as soon thereafter as practicable; or
12 (2) The firearm that is the subject of the report was owned or in the possession of an
13 individual who was physically or mentally unable to make the report, during the
14 required reporting period, provided the report is made as soon thereafter as
15 practicable.

16 **Section 4. That a NEW SECTION be added to chapter 22-30A:**

17 Each individual and each entity selling a firearm shall provide to the firearm
18 purchaser:

- 19 (1) A copy of this Act; and
20 (2) The following notice, printed in block letters, at least one inch in height:
21 FAILURE TO REPORT A LOST OR STOLEN FIREARM MAY RESULT IN THE
22 IMPOSITION OF A CRIMINAL PENALTY.
23 Any individual or entity violating this section is guilty of a Class 1 misdemeanor.

24 **Section 5. That a NEW SECTION be added to chapter 22-30A:**

25 Each entity engaged in the selling of firearms shall post the following notice at each
26 cash register or point of sale, printed in block letters, at least three inches in height:
27 FAILURE TO REPORT A LOST OR STOLEN FIREARM MAY RESULT IN THE
28 IMPOSITION OF A CRIMINAL PENALTY.
29 Any entity violating this section is guilty of a Class 1 misdemeanor.

30 **Section 6. That a NEW SECTION be added to chapter 22-30A:**

1 If an individual or entity reported a lost or stolen firearm, as required by section 1
2 of this Act, and subsequently recovered the firearm, the individual or entity must, within
3 seven days of recovering the firearm, notify the law enforcement agency to which the loss
4 or theft was reported. The law enforcement agency shall issue to the reporter a
5 confirmation of the contact made in accordance with this section.