



2026 South Dakota Legislature

House Concurrent Resolution 6015

Introduced by: **Representative Muckey**

1 **A CONCURRENT RESOLUTION encouraging the Executive Board of the Legislative**
2 **Research Council to form an interim legislative committee to study options**
3 **for expanding state involvement in the national instant criminal background**
4 **check system.**

5 WHEREAS, the Second Amendment to the U.S. Constitution provides that the right of the
6 people to keep and bear arms shall not be infringed; and

7 WHEREAS, the exercise of the Second Amendment occurs in a society where certain
8 individuals struggle with various mental illnesses that challenge their safety and that of their
9 fellow citizens; and

10 WHEREAS, the best way to ensure the rights, safety, and security of all citizens is through
11 the identification and implementation of pro-active and collaborative problem-solving
12 measures that can be exercised through legal, public health, and public safety systems;

13 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the One Hundred
14 First Legislature of the State of South Dakota, the Senate concurring therein, that the
15 Executive Board of the Legislative Research Council be encouraged to form an interim
16 legislative committee to study options for expanding state involvement in the national instant
17 criminal background check system, with a view to better identifying individuals with mental
18 health issues who seek to own or possess firearms; and

19 BE IT FURTHER RESOLVED, that the study address due process rights vis-à-vis expanded
20 reporting to the national instant criminal background check system, including a clear
21 identification of incidences that must trigger reports, together with adequate documentation,
22 verification, compliance requirements, correction requirements, and data maintenance and
23 security; and

1 BE IT FURTHER RESOLVED, that the study address the standardization of public and
2 private sector training for those who must provide information to the national instant criminal
3 background check system and those who must access the information, together with clearly
4 identified standards; and

5 BE IT FURTHER RESOLVED, that the study examine the role of county mental health
6 boards, the nature and scope of the boards' authority, the efficacy of existing statutory
7 frameworks governing the voluntary and involuntary commitment processes, and how those
8 existing frameworks can beneficially intersect with the informational transfers potentially
9 available through the national instant criminal background check system; and

10 BE IT FURTHER RESOLVED, that the study involve the perspectives of the Office of the
11 Attorney General, the Unified Judicial System, mental health boards, behavioral health
12 providers, law enforcement, and retail merchants, and that at the conclusion of the study,
13 any findings and recommendations for future legislative action be presented to the Executive
14 Board.