

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## SENATE BILL NO. 121

Introduced by: Senators Holien, Greenfield (Brock), Heineman (Phyllis), Jensen (Phil), Monroe, Olson, Parsley, Rampelberg, and Sutton and Representatives Gosch, Bolin, DiSanto, Haggar (Don), Harrison, Hawley, Hunt, Johns, Langer, Latterell, Novstrup (Al), Rasmussen, Rounds, Stalzer, Stevens, Verchio, Westra, Wiik, Wink, and Wollmann

1 FOR AN ACT ENTITLED, An Act to authorize certain duties for the sergeant at arms and  
2 assistant sergeant at arms.

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

4 Section 1. That chapter 2-5 be amended by adding a NEW SECTION to read:

5 The president pro tempore of the Senate may authorize the Senate sergeant at arms, or any  
6 Senate assistant sergeant at arms, to possess a firearm or other dangerous weapon in the state  
7 capitol building for the purpose of providing security and maintaining order at legislative  
8 sessions and meetings and for enforcing the provisions of §§ 2-4-9 and 2-4-14. In making the  
9 authorization, preference shall be given to any person who holds, or has held, an unrevoked  
10 certification from the Law Enforcement Officers Standards Commission.

11 Section 2. That chapter 2-5 be amended by adding a NEW SECTION to read:

12 The speaker of the House may authorize the House sergeant at arms, or any House assistant  
13 sergeant at arms, to possess a firearm or other dangerous weapon in the state capitol building



1 for the purpose of providing security and maintaining order at legislative sessions and meetings  
2 and enforcing the provisions of §§ 2-4-9 and 2-4-14. In making the authorization, preference  
3 shall be given to any person who holds, or has held, an unrevoked certification from the Law  
4 Enforcement Officers Standards Commission.

5 Section 3. That chapter 2-5 be amended by adding a NEW SECTION to read:

6 The secretary of the Department of Public Safety and any person authorized to possess  
7 firearms or other dangerous weapons in the state capitol building pursuant to sections 1 and 2  
8 of this Act, shall meet as often as is necessary to share information and intelligence on all  
9 known security threats to the state capitol building or any person in the state capitol building.

10 Section 4. That § 22-14-24 be amended to read:

11 22-14-24. The provisions of § 22-14-23 do not apply to:

- 12 (1) The lawful performance of official duties by an officer, agent, or employee of the  
13 United States, the state, political subdivision thereof, or a municipality, who is  
14 authorized by law to engage in or supervise the prevention, detection, investigation,  
15 or prosecution of any violation of law or an officer of the court;
- 16 (2) Possession by a judge or magistrate;
- 17 (3) The possession of a firearm or other dangerous weapon by a federal or state official  
18 or member of the armed services if such possession is authorized by law; ~~or~~
- 19 (4) The lawful carrying of firearms, or other dangerous weapons in a county courthouse  
20 incident to hunting, or gun safety course or to other lawful purposes; or
- 21 (5) Possession in the state capitol building by any person authorized pursuant to section  
22 1 or 2 of this Act.