2021 South Dakota Legislature

Senate Bill 129

Introduced by: ***Senator*** *Castleberry*

An Act to prohibit infringement upon the constitutional right to keep and bear arms.

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

Section 1. That a NEW SECTION be added:

23-7-72. Infringement upon constitutional right to keep and bear arms--Prohibited.

The following federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations are deemed, within this state, to be infringements upon the people's right to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution, or the people's right to bear arms in defense of themselves and the state, as guaranteed by S.D. Const., Art. VI, § 24:

(1) Any tax, levy, fee, or stamp, which is adopted or imposed after January 1, 2021, which is not common to all other goods and services, and which might reasonably be expected to limit or discourage the purchase or ownership, by otherwise law-abiding residents, of any:

(a) Firearm, including any component or accessory;

(b) Ammunition, including any component or accessory; or

(c) Ammunition-reloading equipment and supplies;

(2) Any registration or tracking requirement, which is adopted after January 1, 2021, and which might reasonably be expected to limit or discourage the purchase or ownership, by otherwise law-abiding residents, of any:

(a) Firearm, including any component or accessory;

(b) Ammunition, including any component or accessory; or

(c) Ammunition-reloading equipment and supplies;

(3) Any action that is adopted or imposed after January 1, 2021, and forbids or restricts the possession, ownership, use, or transfer, by otherwise law-abiding residents, of any:

(a) Firearm, including any component or accessory;

(b) Ammunition, including any component or accessory; or

(c) Ammunition-reloading equipment and supplies; and

(4) Any action that is adopted or imposed after January 1, 2021, and orders or directs the mass confiscation, from otherwise law-abiding residents, of any:

(a) Firearm, including any component or accessory;

(b) Ammunition, including any component or accessory; or

(c) Ammunition-reloading equipment and supplies.

The attorney general shall, on behalf of the residents of this state, object to and litigate against any action that violates this section. During the pendency of any litigation in accordance with this section, no state agency, political subdivision, or any elected official or employee of this state or of a political subdivision may, under any governmental authority or color of law, enforce or attempt to enforce any action prohibited by this section.