

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

348B0280

HOUSE BILL NO. 1173

Introduced by: Representatives Jensen (Kevin), Brunner, Frye-Mueller, Goodwin,
Hammock, Livermont, and Pischke and Senators Russell and Stalzer

1 FOR AN ACT ENTITLED, An Act to permit the possession of firearms by certain employees.

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

3 Section 1. That chapter 22-14 be amended by adding a NEW SECTION to read:

4 An employer, whether public or private, may not:

5 (1) Prohibit an employee from keeping a legally owned and lawfully possessed firearm
6 locked inside a private motor vehicle in a parking lot under the employer's control;

7 (2) Make a verbal or written inquiry of an employee regarding the presence of a firearm
8 inside a private motor vehicle that is in a parking lot under the employer's control;

9 (3) Search the private motor vehicle of an employee to ascertain the presence of a
10 firearm;

11 (4) Take any action against an employee based upon verbal or written statements by any
12 other person regarding the possession of a firearm in accordance with this section;

13 (5) Condition employment upon the fact that an employee or a prospective employee
14 holds or does not hold a permit to carry a concealed weapon;

15 (6) Condition employment upon any agreement that prohibits an employee or a



1 prospective employee from keeping a legally owned and lawfully possessed firearm
2 locked inside a private motor vehicle in a parking lot under the control of the
3 employer;

4 (7) Prohibit or attempt to prevent an employee from entering a parking lot under the
5 control of the employer because the employee's private motor vehicle contains a
6 legally owned and lawfully possessed firearm; or

7 (8) Terminate the employment of or otherwise discriminate against an employee for
8 exercising the constitutional right to keep and bear firearms or for exercising the right
9 of self-defense, so long as the firearm is not exhibited on the employer's property for
10 any reason other than lawful defensive purposes.

11 The prohibitions of this section do not apply to any property under federal jurisdiction, any
12 school district, any correctional facility, the South Dakota Human Services Center, or the South
13 Dakota Developmental Center.