

Some state agencies in South Dakota are granted rule making authority by our State Legislature. The rules created and adopted by these agencies have the same effect as statute or state law and carry criminal penalties when violated.

Should a state agency be allowed to create a rule which restricts the right or privilege to possess or carry a concealed pistol in contradiction to South Dakota laws which authorize concealed carry, even if the agency has rule making authority?

YES: 3

NO: 113

UD: 5

Presently, firearms which are used in a crime and no longer need to be held as evidence, are disposed of in the following manner;

- (1) If it is stolen, it shall be returned to the lawful owner upon proof of ownership
- (2) If it is illegal, it shall be destroyed pursuant to law
- (3) If it is neither stolen nor illegal, it shall be delivered to the arresting agency or, at the direction of the attorney general, to the SD Forensic Laboratory for scientific examination purposes, for lawful use or disposal.

There is legislation pending that would allow the Attorney General's office, which includes the SD Forensic Lab, to sell the firearm intact as an additional option to (3). This would put additional funds into our SD budget and save many firearms from destruction, including collectables.

YES: 105

NO: 1

UD: 0

South Dakota presently has very explicit self defense laws which define the justifiable use of force while protecting yourself, or others, from threatened bodily injury. To read the exact statute language [CLICK HERE](#). The only weakness in our law states,

"the force or violence used cannot be more than that sufficient to prevent such offense".

As you can see, "the force or violence used cannot be more than that sufficient", is left open to interpretation.

Our poll question:

Would you support repealing the above quote in favor of:

"a person (you) is justified in the use of force or violence against an assailant when the person reasonably believes that such conduct is necessary."

"A person (you) does not have a duty to retreat if the person is in a place where he or she has a right to be."

YES: 86

NO:

U/D:

It has been brought to our attention that a certain newspaper in South Dakota prints the list of CCW Permit Holders in their local area. SD law [23-7-8.6](#) specifically prohibits this.

Setting aside that law for this purpose, do you feel that CCW Permit holders should be listed in local print media such as newspapers?

YES: 2

NO: 81

U/D: 1
