

## AN ACT

ENTITLED, An Act to exempt from federal regulation any firearm, firearm accessory, or ammunition manufactured and retained in South Dakota.

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

Section 1. Terms used in this Act mean:

- (1) "Firearm accessory," any item that is used in conjunction with or mounted upon a firearm but is not essential to the basic function of a firearm, including any telescopic or laser sight, magazine, flash or sound suppressor, folding or aftermarket stock and grip, speed loader, ammunition carrier, or light for target illumination;
- (2) "Generic and insignificant part," any firearm part, including a spring, screw, nut, and pin;
- (3) "Manufactured," any firearm, firearm accessory, or ammunition which has been created from basic materials for functional usefulness, including forging, casting, machining, or other processes for working materials.

Section 2. Any firearm, firearm accessory, or ammunition that is manufactured commercially or privately in South Dakota and that remains within the borders of South Dakota is not subject to federal law or federal regulation, including registration, under the authority of Congress to regulate interstate commerce. It is declared by the Legislature that those items have not traveled in interstate commerce. This section applies to any firearm, firearm accessory, and ammunition that is manufactured in South Dakota from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state. Any generic and insignificant part that has other manufacturing or consumer product application is not a firearm, firearm accessory, or ammunition, and importation of such parts into South Dakota and incorporation into a firearm, a firearm accessory, or ammunition manufactured in South Dakota does not subject the firearm, firearm accessory, or ammunition to federal regulation. It is declared by the Legislature that any basic

material, such as unmachined steel and unshaped wood, is not a firearm, firearm accessory, or ammunition and is not subject to congressional authority to regulate any firearm, firearm accessory, or ammunition under interstate commerce as if it was actually a firearm, firearm accessory, or ammunition. The authority of Congress to regulate interstate commerce in basic material does not include authority to regulate any firearm, firearm accessory, or ammunition made in South Dakota from such basic material. Any firearm accessory that is imported into South Dakota from another state and that is subject to federal regulation as being in interstate commerce does not subject a firearm to federal regulation under interstate commerce because it is attached to or used in conjunction with a firearm in South Dakota.

Section 3. The provisions of section 2 of this Act do not apply to:

- (1) A firearm that cannot be carried and used by one person;
- (2) A firearm that has a bore diameter greater than one and one-half inches and that uses smokeless powder, not black powder, as a propellant;
- (3) Ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or
- (4) A firearm that discharges two or more projectiles with one activation of the trigger or other firing device.

Section 4. A firearm manufactured or sold in South Dakota pursuant to this Act shall have the words, Made in South Dakota, clearly stamped on a central metallic part, such as the receiver or frame.

Section 5. The provisions of this Act apply to any firearm, firearm accessory, or ammunition that is manufactured and retained in South Dakota after July 1, 2010.

An Act to exempt from federal regulation any firearm, firearm accessory, or ammunition manufactured and retained in South Dakota.

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I certify that the attached Act originated in the  
SENATE as Bill No. 89

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 89  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,  
20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State