

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

741U0638

SENATE BILL NO. 183

Introduced by: Senators Brown, Frerichs, Maher, Rave, and Sutton and Representatives Cronin, Olson (Betty), and Schrempp

1 FOR AN ACT ENTITLED, An Act to revise provisions relating to hunting trespass and to
2 increase certain penalties for trespassing.

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

4 Section 1. That subdivision (14) of § 41-1-1 be amended to read as follows:

5 (14) "Hunt" or "hunting," shooting, shooting at, pursuing, taking, attempting to take,
6 catching, or killing of any wild animal or animals. The term includes traveling across
7 private lands while in possession of a hunting license and hunting firearm en route
8 to a hunting area;

9 Section 2. That § 41-9-8 be amended to read as follows:

10 41-9-8. Any person who knowingly enters or remains on private property for the purpose
11 of hunting, fishing, or trapping, in violation of § 41-9-1 or 41-9-2, shall lose hunting, trapping,
12 or fishing privileges for ~~one year~~ a period of not less than one and not more than three years
13 following the conviction. The sentencing court may order the revocation of hunting, fishing, or
14 trapping privileges authorized by this section to be served consecutively with any other
15 revocation of the person's hunting, fishing, or trapping privileges imposed for a violation for



1 which the person is convicted and for which revocation of the privileges is authorized under this
2 title. If the person is the holder of a license to hunt, trap, or fish, the court shall require the
3 license holder to surrender and deliver the license to the court to be returned to the Department
4 of Game, Fish and Parks. For the purpose of this section, the term, guilty, has the same meaning
5 as the term, conviction, in § 32-12-53.

6 Unarmed retrieval of lawfully taken small game from either private land or land controlled
7 by the Department of Game, Fish and Parks or other public lands, is not a crime or petty offense,
8 if the retrieval of the small game does not involve the use of a motor vehicle.

9 It is a Class 2 misdemeanor for any person, while engaged in the retrieval of small game
10 from private land without permission of the landowner or lessee of the land, to intentionally
11 drive or flush any small game located on the land toward other hunters of the retriever's same
12 hunting group located on other parcels of land or rights-of-way. It is a Class 2 misdemeanor for
13 any person, who is a member of the same hunting group as the person performing the retrieval
14 without the permission of the landowner or lessee of the land, to intentionally discharge a
15 firearm at small game, except waterfowl, that originates from the private land during the
16 retrieval.

17 This section does not limit the civil remedies available to any landowner.