

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

741U0638

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 183** - 02/14/2013

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 § 41-9-1 be amended to read as follows:

5 41-9-1. Except as provided in § 41-9-2, no person may fish, hunt, or trap upon any private
6 land without permission from the owner or lessee of the land. Under the terms of this section,
7 a person in possession of a valid hunting license and a firearm is deemed to be hunting if the
8 person is traveling by foot or motor vehicle upon or across private land in an attempt to locate,
9 flush, drive, pursue, or take game or is en route to a hunting destination. A violation of this
10 section is a Class 2 misdemeanor and is subject to § 41-9-8.

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

12 41-9-8. Any person who knowingly enters or remains on private property for the purpose
13 of hunting, fishing, or trapping, in violation of § 41-9-1 or 41-9-2, shall lose hunting, trapping,
14 or fishing privileges for ~~one year~~ two years following the conviction. The sentencing court may



1 order the revocation of hunting, fishing, or trapping privileges authorized by this section to be
2 served consecutively with any other revocation of the person's hunting, fishing, or trapping
3 privileges imposed for a violation for which the person is convicted and for which revocation
4 of the privileges is authorized under this title. If the person is the holder of a license to hunt,
5 trap, or fish, the court shall require the license holder to surrender and deliver the license to the
6 court to be returned to the Department of Game, Fish and Parks. For the purpose of this section,
7 the term, guilty, has the same meaning as the term, conviction, in § 32-12-53.

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

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

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