



## 2021 South Dakota Legislature

# House Bill 1034

### HOUSE AGRICULTURE AND NATURAL RESOURCES ENGROSSED

*Introduced by: The Committee on Agriculture and Natural Resources at the request of the Department of Game, Fish and Parks*

1 **An Act to revise certain youth hunting requirements.**

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

3 **Section 1.** That § 41-6-4 be AMENDED.

4 **41-6-4. Fur-bearing license not required--Resident under eighteen.**

5 A license to take fur-bearing animals is not required of a resident of this state less  
6 than ~~sixteen~~ eighteen years old to exercise the rights and privileges of the holder of such  
7 a license.

8 **Section 2.** That § 41-6-6 be AMENDED.

9 **41-6-6. Fishing license not required--Individuals under eighteen.**

10 A license to fish, to the extent and in the manner permitted by a ~~resident~~ fishing  
11 license, is not required of any person less than ~~sixteen~~ eighteen years old ~~who is a resident~~  
12 ~~of this state.~~

13 **Section 3.** That § 41-6-8 be AMENDED.

14 **41-6-8. Nonresident without license--Hunting or fishing on boundary**  
15 **waters--Carrying game into South Dakota--Violation as misdemeanor--**  
16 **Exception.**

17 ~~It~~ Except as provided in § 41-6-6, it is a Class 2 misdemeanor for any nonresident  
18 of the State of South Dakota to take, shoot, or kill, in any manner whatsoever, any  
19 protected game, fish, or wildfowl on any boundary river, stream, or lake of the State of  
20 South Dakota or to carry or transport from such waters onto the South Dakota side of  
21 such waters, without first having lawfully obtained a valid and applicable South Dakota  
22 nonresident small game, big game, wild turkey, waterfowl, fishing, bait dealer, or predator  
23 license and having fully complied with all other laws of the State of South Dakota relating

1 to or concerning the transportation, shipping, or carrying of protected game, fish, or  
2 wildfowl.

3 **Section 4.** That § 41-6-13 be AMENDED.

4 **41-6-13. Hunting license for minor less than sixteen--Restrictions and**  
5 **requirements--Violation as misdemeanor.**

6 ~~A resident hunting license may be issued only to a resident sixteen years of age or~~  
7 ~~older. However, the parent or guardian of a resident who is less than sixteen years of age~~  
8 ~~and meets the age requirements of § 41-6-12 may apply for the license for such person.~~  
9 ~~If a hunting license is granted on the application, the license authorizes hunting by the~~  
10 ~~person only if to a person who is under sixteen years of age, the licensee shall be~~  
11 ~~accompanied by a parent, guardian, or responsible adult, and is valid for the license year~~  
12 ~~as provided by the applicable license and rules promulgated by the Game, Fish and Parks~~  
13 ~~Commission pursuant to chapter 1-26. The requirement to be accompanied by an adult~~  
14 ~~no longer applies when the licensee attains sixteen years of age. A violation of this section~~  
15 ~~is a Class 2 misdemeanor.~~

16 **Section 5.** That § 41-6-23 be AMENDED.

17 **41-6-23. Fur-bearing animal hunting and trapping license--Privileges--**  
18 **Activities for which license not required--Violation as misdemeanor.**

19 ~~Except as provided in this section chapter, it is a Class 2 misdemeanor for any~~  
20 ~~person to hunt, take, kill, or trap fur-bearing animals without a license to take fur-bearing~~  
21 ~~animals or in violation of the conditions of the license or the rules of the Game, Fish and~~  
22 ~~Parks Commission.~~

23 ~~A license to take fur-bearing animals permits the licensee to set or operate a trap or~~  
24 ~~traps, hunt, catch, take, trap, or kill fur-bearing animals, except the black-footed ferret,~~  
25 ~~to the extent and in the manner provided in §§ 41-8-20 to 41-8-26, inclusive.~~

26 ~~A license to take fur-bearing animals is not required for residents to hunt raccoon,~~  
27 ~~skunk, opossum, badger, jackrabbit, fox, and coyote with firearms. A license to take fur-~~  
28 ~~bearing animals is not required for residents to trap raccoon, skunk, opossum, badger,~~  
29 ~~jackrabbit, fox, and coyote between April first and August thirty-first.~~

30 **Section 6.** That § 41-6-37.1 be REPEALED.

1           **41-6-37.1. Nonresident family fishing license.**

2   **Section 7.** That § 41-6-53 be AMENDED.

3           **41-6-53. Nonresident or visitor's license--Eligibility.**

4           A nonresident or visitor's license may only be granted under §§ 41-6-16 to 41-6-  
5   45.1, inclusive, ~~only~~ to a person whose residence does not qualify the person for a resident  
6   license. ~~However, a nonresident under sixteen years of age is not required to purchase a~~  
7   ~~license to fish if the nonresident is fishing with a parent or guardian who has a license and~~  
8   ~~if all fish taken by the nonresident under sixteen years of age are counted as a part of the~~  
9   ~~string limit of the parent or guardian with whom he or she is fishing.~~

10 **Section 8.** That § 41-6-81 be AMENDED.

11           **41-6-81. Hunter mentoring program--Application for mentoring**  
12 **nonresidents--Requirements--Promulgation of rules.**

13           Notwithstanding any provisions of Title 41 to the contrary, a child ~~who is a resident~~  
14 ~~of this state and~~ less than sixteen years of age is not required to possess a hunting license  
15 in order to hunt, if the child is accompanied by a hunting mentor. A hunting mentor may  
16 be the child's parent or guardian or any other competent adult who has the written consent  
17 of the child's parent or guardian.

18           The hunting mentor shall be unarmed, except as otherwise provided in this section,  
19 shall have successfully completed a hunter safety or hunter education course that meets  
20 the requirements of chapter 41-7, and shall possess a valid small game or waterfowl  
21 hunting license for the game being hunted. To serve as a hunting mentor for big game,  
22 the mentor shall possess the mentor big game license obtained by the child's parent or  
23 guardian.

24           A child who hunts pursuant to this section shall be under the immediate physical  
25 control, direct supervision, and responsibility of a hunting mentor, at the time the child  
26 discharges a firearm or operates a bow and arrow in the act of hunting.

27           A hunting mentor may accompany no more than one mentored child at any one  
28 time.

29           No hunting party that includes a mentored child may include more than six persons,  
30 regardless of whether or not members of the hunting party are hunting or possess or  
31 operate firearms.

32           A child who hunts pursuant to this section is subject to all requirements,  
33 restrictions, and penalties specified in this title and in rules promulgated pursuant to this

1 title, with respect to the species being hunted, except that the combined number of  
2 animals taken or possessed by the child and the hunting mentor may not exceed the  
3 number of animals authorized under licenses held by the hunting mentor.

4 A mentored child may not take big game under the provisions of this section except  
5 antlerless deer, turkey, and doe-fawn antelope. No big game may be taken by a mentored  
6 child unless the child's parent or legal guardian has been issued a license that designates  
7 the child as a mentored child who is authorized to exercise the privileges granted by the  
8 license. A nonresident big game application must include the name, address, and phone  
9 number of a resident sponsoring the application. The license is valid only for the mentored  
10 child and is not transferable to another person. Application for or issuance of such licenses  
11 does not affect the eligibility of the parent or legal guardian for any other big game license.

12 Nothing in this section prohibits the hunting mentor from carrying a concealed  
13 pistol or other legally possessed handgun.

14 The Game, Fish and Parks Commission shall promulgate rules, pursuant to chapter 1-  
15 26, to establish criteria and conditions governing the hunter mentoring program  
16 established in this section.