

2021 South Dakota Legislature

House Bill 1034**AMENDMENT 1034C FOR THE HOUSE AGRICULTURE AND
NATURAL RESOURCES BILL**

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-- Resident 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 waters--Carrying game~~
15 ~~into South Dakota--Violation as misdemeanor--Exception.~~

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

~~1 complied with all other laws of the State of South Dakota relating to or concerning the
2 transportation, shipping, or carrying of protected game, fish, or wildfowl.~~

3 **Section 3.** 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 4.** 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 5.** That § 41-6-37.1 be REPEALED.~~

31 ~~41-6-37.1. Nonresident family fishing license.~~

1 **Section 5.** That § 41-6-53 be AMENDED.

2 **41-6-53. Nonresident or visitor's license--Eligibility.**

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

9 ~~**Section 7.** That § 41-6-81 be AMENDED.~~

10 ~~41-6-81. Hunter mentoring program--Application for mentoring nonresidents--Requirements--~~
11 ~~Promulgation of rules.~~

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

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

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

25 ~~A hunting mentor may accompany no more than one mentored child at any one time.~~

26 ~~No hunting party that includes a mentored child may include more than six persons,~~
27 ~~regardless of whether or not members of the hunting party are hunting or possess or operate~~
28 ~~firearms.~~

1 ~~A child who hunts pursuant to this section is subject to all requirements, restrictions, and~~
2 ~~penalties specified in this title and in rules promulgated pursuant to this title, with respect to~~
3 ~~the species being hunted, except that the combined number of animals taken or possessed~~
4 ~~by the child and the hunting mentor may not exceed the number of animals authorized under~~
5 ~~licenses held by the hunting mentor.~~

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

14 ~~Nothing in this section prohibits the hunting mentor from carrying a concealed pistol or other~~
15 ~~legally possessed handgun.~~

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