



2021 South Dakota Legislature

House Bill 1111

Introduced by: The Committee on Judiciary at the request of the Office of the Governor

1 **An Act to revise certain provisions regarding inspections and seizures by, and**
 2 **forfeitures involving, the Department of Game, Fish and Parks.**

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

4 **Section 1.** That § 41-15-8 be REPEALED.

5 **41-15-8. Inspection of hotels, restaurants, cold storage plants, and**
 6 **icehouses authorized.**

7 **Section 2.** That § 41-15-14 be AMENDED.

8 **41-15-14. Seizure and disposition of contraband game and fish.**

9 The Department of Game, Fish and Parks has charge of the seizure and disposition
 10 of any game bird, game animal, and fish, taken, killed, transported, or possessed contrary
 11 to law, ~~and of any dog, gun, seine, net, boat, light, or other instrumentality unlawfully~~
 12 ~~used or held with intent to use in pursuing, taking, attempting to take, concealing, or~~
 13 ~~disposing of any such game bird, game animal, or fish.~~

14 **Section 3.** That § 41-15-16 be REPEALED.

15 **41-15-16. Destruction of unlawful hunting or fishing device by law**
 16 **enforcement officer--Immunity from liability.**

17 **Section 4.** That § 41-15-18 be AMENDED.

18 **41-15-18. Unlawfully possessed bird, animal, fish, skin, or container as**
 19 **contraband--Seizure by officer.**

20 Any bird, animal, fish, or the skin of any fur-bearing animal, or any part of any
 21 such bird, animal, fish, or skin, caught, killed, shipped, possessed, or controlled, contrary
 22 to any of the provisions of this title or any rules of the Game, Fish and Parks Commission,

1 and any compartment, chest, box, locker, crate, basket, package, or other similar
2 receptacle or similar contrivance in which any such bird, animal, fish, or skin is kept, or
3 concealed, ~~or transported,~~ unless otherwise expressly excepted by law, are deemed
4 contraband. ~~The secretary of game, fish and parks or any~~ Any conservation officer or law
5 enforcement officer shall seize and take possession of the contraband pending action by
6 a court of competent jurisdiction.

7 **Section 5.** That § 41-15-18.1 be REPEALED.

8 **41-15-18.1. Guns, implements, or vehicles unlawfully used in killing or**
9 **transporting elk or buffalo as contraband--Seizure by officer.**

10 **Section 6.** That § 41-15-19 be AMENDED.

11 **41-15-19. Report to director of contraband seized.**

12 All such officers taking or seizing any of the things defined in ~~§§~~ § 41-15-18 and
13 ~~41-15-18.1~~ to be contraband shall without unnecessary delay report all of the facts
14 attending such seizure to the secretary of game, fish and parks.

15 **Section 7.** That § 41-15-20 be AMENDED.

16 **41-15-20. Sale of contraband and abandoned property--Disposition of**
17 **proceeds--Record of sales--Tagging of articles sold.**

18 The secretary of game, fish and parks may sell at the highest market price
19 obtainable any fur, fish, game animal, game bird, hunting equipment, fishing equipment,
20 and other contraband that is abandoned or is deemed contraband as provided in §§ 41-
21 15-15 to ~~41-15-19~~ 41-15-18, inclusive. The proceeds of the sales shall be turned into the
22 state treasury and credited to the Department of Game, Fish and Parks fund. A record of
23 the sales, including the name of the purchaser and the purchase price paid, shall be kept
24 by the secretary. The secretary shall, before sale, tag the items to be sold in a manner to
25 be determined by the secretary.