



2021 South Dakota Legislature

House Bill 1140

Introduced by: The Committee on Agriculture and Natural Resources at the request of the Office of the Governor

1 **An Act to restrict the entry of conservation officers onto certain private land without**
2 **permission.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **41-2-48. Conservation officers--Entering private land--Prohibition--**
6 **Exceptions.**

7 No conservation officer may, in the course of performing the duties of a
8 conservation officer, enter any private land unless the conservation officer has the explicit
9 or implied permission of the landowner or lessee. However, any conservation officer may
10 enter any private land without permission:

- 11 (1) If reasonable suspicion or probable cause exists that a violation of a law that the
12 conservation officer is authorized to enforce has been, is being, or is about to be
13 committed on the private land;
14 (2) To dispatch crippled or distressed wildlife the conservation officer has personally
15 and lawfully observed on the private land; or
16 (3) To respond to emergency situations, accidents, or other threats to public safety
17 occurring on the private land.

18 **Section 2.** That a NEW SECTION be added:

19 **41-2-49. Penalties.**

20 Any evidence obtained pursuant to a search or seizure conducted in violation of
21 this Act is inadmissible in any administrative or judicial proceeding.

22 Any arrest made pursuant to a search or seizure conducted in violation of this Act
23 is invalid.

24 Nothing contained in this Act creates criminal or civil liability for a conservation
25 officer.