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

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

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

Section 1. That a NEW SECTION be added:

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

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

(1) If reasonable suspicion or probable cause exists that a violation of a law that the conservation officer is authorized to enforce has been, is being, or is about to be committed on the private land;

(2) To dispatch crippled or distressed wildlife the conservation officer has personally and lawfully observed on the private land; or

(3) To respond to emergency situations, accidents, or other threats to public safety occurring on the private land.

Section 2. That a NEW SECTION be added:

41-2-49. Penalties.

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

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

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