



2022 South Dakota Legislature

House Bill 1112

Introduced by: **Representative** Kevin Jensen

1 **An Act to authorize the use of crossbows by senior hunters.**

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

3 **Section 1. That § 41-6-10 be AMENDED:**

4 **41-6-10.** Licenses, permits, and stamps issued under this title are classified as
5 follows:

6 (1) Disabled hunter permit;

7 (2) Export bait dealer license;

8 ~~(2A)~~(3) Fall three-day temporary nonresident waterfowl license;

9 ~~(3)~~(4) Fur dealer's license;

10 ~~(4)~~(5) Hoop net, trap, or setline license;

11 ~~(5)~~(6) License for breeding and domesticating animals and birds;

12 ~~(6)~~(7) Resident license to take fur-bearing animals;

13 ~~(6A)~~(8) Reciprocal nonresident license to take fur-bearing animals;

14 ~~(7)~~(9) Nonresident big game license;

15 ~~(8)~~(10) Nonresident fishing license;

16 ~~(9)~~(11) Nonresident predator/varmint license;

17 ~~(10)~~ Repealed by SL 1999, ch 213, § 3.

18 ~~(11)~~(12) Nonresident retail bait dealer license;

19 ~~(12)~~(13) Nonresident shooting preserve license;

20 ~~(13)~~(14) Nonresident small game license;

21 ~~(14)~~(15) Nonresident and resident migratory bird certification permit;

22 ~~(15)~~(16) Nonresident wholesale bait dealer license;

23 ~~(16)~~(17) Nonresident wild turkey license;

24 ~~(17)~~(18) Nursing facility group fishing license;

25 ~~(18)~~(19) Park user's license;

26 ~~(19)~~(20) Permit for transportation of big game animal;

- 1 ~~(20)~~(21) Private fish hatchery license;
- 2 ~~(21)~~(22) Resident big game license;
- 3 ~~(22)~~(23) Resident elk license;
- 4 ~~(23)~~(24) Resident fishing license and resident senior fishing license;
- 5 ~~(24)~~ Repealed by SL 1999, ch 213, § 3.
- 6 (25) Resident retail bait dealer license;
- 7 (26) Resident small game license and resident youth small game license;
- 8 (27) Resident predator/varmint license;
- 9 (28) Resident wholesale bait dealer license;
- 10 (29) Resident wild turkey license;
- 11 (30) Scientific collector's license;
- 12 (31) Senior-hunter crossbow permit;
- 13 (32) Special nonresident waterfowl license;
- 14 ~~(32)~~ Repealed by SL 1999, ch 213, § 3.
- 15 (33) Taxidermist's license;
- 16 ~~(33A)~~(34) Spring snow goose temporary nonresident license;
- 17 ~~(33B)~~(35) Early fall Canada goose temporary nonresident license; and
- 18 ~~(34)~~(36) Temporary fishing and hunting licenses.

19 The rights and privileges of such licensees are set forth in §§ 41-6-12 to 41-6-
20 45.1, inclusive, and in § 41-17-13.

21 The Game, Fish and Parks Commission shall promulgate rules, pursuant to chapter
22 1-26, to set the fees, eligibility, and duration for such licenses.

23 **Section 2. That § 41-8-31 be AMENDED:**

24 **41-8-31.** No person may at any time hunt, catch, take, attempt to take, or kill any
25 small game or game animal in any other manner than by shooting the same with a firearm,
26 except:

- 27 (1) Game birds and animals may be taken with ~~birds~~:
 - 28 (a) Birds trained in falconry ~~or with bow and arrow~~;
 - 29 (b) Bow and arrow; or
 - 30 (c) A crossbow, equipped with a draw-lock device, if:
 - 31 (i) The person is at least sixty-five years of age; and
 - 32 (ii) In possession of a senior-hunter crossbow permit, issued by the
33 department;

~~(1A)~~(2) Cottontail rabbit, red squirrel, fox squirrel, grey squirrel, and any species defined as a predator/varmint in § 41-1-1 may be taken with an air gun that complies with specifications established by rules promulgated by the Game, Fish and Parks Commission pursuant to chapter 1-26;

~~(2)~~(3) A person with a permanent or temporary disability who is missing an upper limb, physically incapable of using an upper limb, or confined to a wheelchair, may obtain a disabled hunter permit to use a crossbow or other legal bow, equipped with a draw-lock device, to take game birds and animals;

~~(3)~~(4) A person who is legally blind, is legally licensed, possesses a disabled hunter permit, and is physically present and participates in the hunt but cannot safely discharge a firearm or bow and arrow, may claim game birds and animals taken by a designated hunter in accordance with the license possessed by the hunter who is legally blind;

~~(3A)~~(5) A person who is quadriplegic, is legally licensed, possesses a disabled hunter permit, and is physically present and participates in the hunt but cannot safely discharge a firearm or bow and arrow, may claim game birds and animals taken by a designated hunter in accordance with the license possessed by the hunter who is quadriplegic; and

~~(4)~~(6) A person with a permanent or temporary disability as ~~defined in subdivision (2) of~~described in this section, who is legally licensed for a youth big game hunting season, possesses a disabled hunter permit, and is physically present and participates in the hunt but is unable to safely discharge a firearm or bow and arrow, may claim any big game animal taken by a designated hunter in accordance with the youth big game license possessed by the person with a permanent or temporary disability.

A violation of this section is a Class 2 misdemeanor.

Section 3. That § 41-8-31.1 be AMENDED:

41-8-31.1. ~~The provisions of Notwithstanding § 41-8-31 notwithstanding, any:~~

(1) ~~Any person who holds a big game license to take a big game animal during the firearm season may take the animal by using a crossbow in lieu of a firearm; and~~

(2) ~~Any person who holds a license to take a big game animal during archery season may take the animal by using a crossbow, in lieu of any other legal bow, if:~~

(a) ~~The person is at least sixty-five years of age; and~~

1 **(b) In possession of a senior-hunter crossbow permit, issued by the**
2 **department.**

3 As used in this section, the term, crossbow, means a device for propelling a bolt
4 by means of traverse limbs mounted on a stock and a string. The crossbow may be drawn,
5 held, and released by a mechanical device and ~~shall~~**must** have at least one hundred
6 twenty-five pounds pull and have a working mechanical safety.