



2022 South Dakota Legislature

House Bill 1131

Introduced by: **Representative** Gosch

1 **An Act to provide for a revocation of hunting, trapping, or fishing privileges.**

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

3 **Section 1. That § 41-9-8 be AMENDED:**

4 **41-9-8.** If a person violates § 41-9-1 or 41-9-2, a court may, upon a finding of
 5 guilt or upon a conviction, order the revocation of the person's hunting, fishing, or trapping
 6 privileges for one year.

7 ~~Any~~ If a person who knowingly enters or remains on private property for the
 8 purpose of hunting, fishing, or trapping, in violation of § 41-9-1 or 41-9-2, the person
 9 shall be fined five hundred dollars, and ~~the person~~ shall lose hunting, trapping, or fishing
 10 privileges for one year following ~~the~~ a finding of guilt or a conviction.

11 A person's hunting, fishing, or trapping privileges shall be revoked for two years
 12 following a second or subsequent finding of guilt or conviction under § 41-9-1 or ~~§~~ 41-9-
 13 2, within ten years.

14 The ~~sentencing~~ court may order ~~the~~ that any revocation of hunting, fishing, or
 15 trapping privileges, authorized by this section, ~~to~~ be served consecutively with any other
 16 revocation of the ~~a~~ person's hunting, fishing, or trapping privileges imposed for a violation
 17 for which the person is convicted and for which revocation of the privileges is authorized
 18 under this title.

19 If the person is the holder of a license to hunt, trap, or fish, the court shall require
 20 that the license holder ~~to~~ surrender and deliver the license to the court, to be returned to
 21 the Department of Game, Fish and Parks.

22 Unarmed retrieval of lawfully taken small game from ~~either~~ private land ~~or~~ land
 23 controlled by the Department of Game, Fish and Parks, or other public lands, is not a
 24 crime or petty offense, if the retrieval of the small game does not involve the use of a
 25 motor vehicle.

1 It is a Class 2 misdemeanor for any person, while engaged in the retrieval of small
2 game from private land, without permission of the ~~landowner~~ owner or lessee of the land,
3 to intentionally drive or flush any small game located on the land toward other hunters of
4 the retriever's same hunting group, located on other parcels of land or rights-of-way.

5 It is a Class 2 misdemeanor for any person, who is a member of the same hunting
6 group as the person performing the retrieval without the permission of the ~~landowner~~
7 owner or lessee of the land, to intentionally discharge a firearm at small game, except
8 waterfowl, that originates from the private land during the retrieval.

9 This section does not limit any civil remedies available to ~~any a~~ landowner.