



2023 South Dakota Legislature

House Bill 1186

HOUSE AGRICULTURE AND NATURAL RESOURCES ENGROSSED

Introduced by: **Representative Pinnow**

1 **An Act to require restitution for landowners following an unauthorized entry to**
 2 **hunt, fish, or trap.**

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

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

5 **41-9-8.** If a person violates § 41-9-1 or 41-9-2, a court may, upon a finding of
 6 guilt or upon a conviction, order the revocation of the person's hunting, fishing, or trapping
 7 privileges for one year. The court shall, upon a finding of guilt or upon a conviction of
 8 unknowing trespass, order the person to pay restitution to the landowner in the amount
 9 of one hundred and fifty dollars.

10 If a person knowingly enters or remains on private property for the purpose of
 11 hunting, fishing, or trapping, in violation of § 41-9-1 or 41-9-2, a court, upon a finding of
 12 guilt or upon a conviction, shall impose a fine upon the person shall be fined in the amount
 13 of five hundred dollars, and shall lose; order the revocation of the person's hunting,
 14 trapping, or fishing privileges for one year ~~following a finding of guilt or a conviction; and~~
 15 order the person to pay restitution to the landowner in the amount of five hundred dollars.

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

19 The court may order that any revocation of hunting, fishing, or trapping privileges,
 20 authorized by this section, be served consecutively with any other revocation of a person's
 21 hunting, fishing, or trapping privileges imposed for a violation for which the person is
 22 convicted and for which revocation of the privileges is authorized under this title.

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

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

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

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

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