



2025 South Dakota Legislature

House Bill 1236

Introduced by: **Representative** Reimer

1 **An Act to expand the safety zone within which hunting and trapping are restricted.**

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

3 **Section 1. That § 41-9-1.1 be AMENDED:**

4 **41-9-1.1.** Except for controlled access facilities as defined in § 31-8-1, interstate
 5 highways, unimproved section lines not commonly used as public rights-of-way, and
 6 highways within parks or recreation areas or within or adjoining public shooting areas or
 7 game refuges posted for restriction of an applicable use as hereinafter set forth by the
 8 Department of Game, Fish and Parks, § 41-9-1 does not apply to fishing, trapping, or
 9 hunting on highways or other public rights-of-way within this state that meet the
 10 requirements of § 41-9-1.3. For purposes of this section, hunting on highways or other
 11 public rights-of-way includes:

- 12 (1) The shooting at or taking by legal methods of small game, except mourning dove,
 13 that are located within the boundaries of the highway or public right-of-way; and
 14 (2) The shooting at or taking by legal methods of small game, except mourning dove,
 15 that are in flight over private land if the small game has either originated from or
 16 has taken flight from the highway or public right-of-way or if the small game is in
 17 the process of flying over the highway or public right-of-way.

18 Only the owner of the occupied dwelling, church, or schoolhouse; the owner of
 19 livestock; or a person who has written permission from the owner of the occupied dwelling,
 20 church, or schoolhouse, or the owner of the livestock may use such highways or rights-
 21 of-way for the purposes of discharging any firearm or for the purposes of hunting defined
 22 in this title within a ~~six hundred sixty feet~~ one-quarter mile safety zone surrounding an
 23 occupied dwelling, a church, schoolhouse, or livestock. No other person may discharge a
 24 firearm at small game within the safety zone. No person, except the adjoining landowner
 25 or any person receiving written permission from the adjoining landowner, may use such
 26 highways or rights-of-way for the purpose of trapping within ~~six hundred sixty feet~~ one-

1 quarter mile of an occupied dwelling, church, or schoolhouse. A violation of this section is
2 a Class 2 misdemeanor. If any person is convicted of knowingly discharging a firearm
3 within ~~six hundred sixty feet~~ one-quarter mile of any occupied dwelling, church, or
4 schoolhouse for which that distance has been clearly and accurately marked and posted,
5 the court shall, in addition to any other penalty, revoke the person's hunting privileges for
6 a period of one year from the date of conviction. The sentencing court may order the
7 revocation of hunting privileges authorized by this section to be served consecutively with
8 any other revocation of the person's hunting privileges imposed for a violation for which
9 the person is convicted and for which revocation of the privileges is authorized under this
10 title.