



2026 South Dakota Legislature

Senate Bill 115

Introduced by: **Senator Pischke**

1 **An Act to remove the prohibition pertaining to the shooting of mourning doves**
 2 **located within specific areas.**

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

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

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

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

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

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