



## 2026 South Dakota Legislature

# Senate Bill 201

Introduced by: **Senator Mehlhaff**

1 **An Act to authorize the use of a drone for the location and recovery of mortally**  
 2 **wounded deer and elk and to provide a penalty therefor.**

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

4 **Section 1. That § 41-8-39 be AMENDED:**

5 **41-8-39.** It is a Class 1 misdemeanor for any person to:

6 (1) Kill or attempt to kill any wild bird or animal from an aircraft, except as otherwise  
 7 provided for in § 41-8-39.1; or

8 (2) Use an aircraft for the purpose of hunting, taking, concentrating, driving, rallying,  
 9 stirring up, locating, or spotting any wild bird or animal, except that the prohibition  
 10 in this subdivision does not apply to a person who uses a drone for location and  
 11 recovery purposes, in accordance with the provisions of sections 2 and 3 of this  
 12 Act, or to a person who uses a drone for the purpose of locating or spotting a  
 13 predator or varmint, if:

14 (a) The activity occurs only on or over land that is privately owned;

15 (b) The person operating the drone is the landowner or has permission from  
 16 the landowner or a lessee;

17 (c) The activity does not occur during the months of September, October, or  
 18 November; and

19 (d) The operation of the drone is in full compliance with all applicable Federal  
 20 Aviation Administration regulations.

21 **Section 2. That a NEW SECTION be added to chapter 41-8:**

22 A hunter may engage a pilot to use a drone for the purpose of locating and  
 23 recovering a deer or an elk if:

1        (1) The deer or elk was mortally wounded by the hunter or the hunter reasonably  
 2            believes that the deer or elk was mortally wounded, while the hunter was lawfully  
 3            engaged in the hunt; and

4        (2) The hunter reasonably believes that the deer or elk cannot be located by commonly  
 5            used tracking methods.

6        **Section 3. That a NEW SECTION be added to chapter 41-8:**

7            The Game, Fish and Parks Commission shall, by rules promulgated in accordance  
 8            with chapter 1-26:

9        (1) Establish the hours during which a drone may be used for the purposes set forth  
 10            in section 2 of this Act;

11        (2) Establish technological capabilities and equipment that each drone must have and  
 12            may not have while being used for the purposes set forth in section 2 of this Act;

13        (3) Establish the time and manner in which the drone pilot may provide information  
 14            regarding the condition of the deer or elk and coordinates to the hunter; and

15        (4) Set forth the contact and location information that each drone pilot must provide  
 16            to the Department of Game, Fish and Parks electronically, before commencing an  
 17            operation for the purposes set forth in section 2 of this Act.

18            Any person who violates any rule promulgated under this section is guilty of a Class  
 19            1 misdemeanor.