

2026 South Dakota Legislature

Senate Bill 115**AMENDMENT 115D
FOR THE INTRODUCED BILL**

1 **An Act to remove the prohibition pertaining to the shooting of certain mourning**
2 **doves 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, with
15 the exception of mourning doves when perched on or within range of electrical
16 power lines; and

17 (2) The shooting at or taking by legal methods of small game, ~~except mourning dove,~~
18 that are in flight over private land, if the small game has ~~either~~ originated from or
19 has taken flight from the highway or public right-of-way or if the small game is in
20 the process of flying over the highway or public right-of-way.

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

1 game within the safety zone. No person, except the adjoining landowner or any person
2 receiving written permission from the adjoining landowner, may use such highways or
3 rights-of-way for the purpose of trapping within six hundred sixty feet of an occupied
4 dwelling, church, or schoolhouse. A violation of this section is a Class 2 misdemeanor. If
5 any person is convicted of knowingly discharging a firearm within six hundred sixty feet
6 of any occupied dwelling, church, or schoolhouse for which that distance has been clearly
7 and accurately marked and posted, the court shall, in addition to any other penalty, revoke
8 the person's hunting privileges for a period of one year from the date of conviction. The
9 sentencing court may order the revocation of hunting privileges authorized by this section
10 to be served consecutively with any other revocation of the person's hunting privileges
11 imposed for a violation for which the person is convicted and for which revocation of the
12 privileges is authorized under this title.