

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

937B0392

## SENATE BILL NO. 63

Introduced by: Senators Cammack, Cronin, DiSanto, Ewing, Heinert, Jensen (Phil), Klumb, Maher, Rusch, Schoenbeck, Soholt, Solano, and Wiik and Representatives Brunner, Chaffee, Finck, Frye-Mueller, Gosch, Gross, Hammock, Jensen (Kevin), Lake, Lesmeister, Livermont, Marty, Peterson (Kent), Qualm, Randolph, Rasmussen, Reimer, and Wiese

1 FOR AN ACT ENTITLED, An Act to increase the penalty for a subsequent conviction for  
2 trespass to 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 to read:

5 41-9-8. Any person who knowingly enters or remains on private property for the purpose  
6 of hunting, fishing, or trapping, in violation of § 41-9-1 or 41-9-2, shall lose hunting, trapping,  
7 or fishing privileges for one year following the conviction. A person's hunting, fishing, or  
8 trapping privileges shall be revoked for two years following the person's second, third, or  
9 subsequent conviction of § 41-9-1. The sentencing court may order the revocation of hunting,  
10 fishing, or trapping privileges authorized by this section to be served consecutively with any  
11 other revocation of the person's hunting, fishing, or trapping privileges imposed for a violation  
12 for which the person is convicted and for which revocation of the privileges is authorized under  
13 this title. If the person is the holder of a license to hunt, trap, or fish, the court shall require the



1 license holder to surrender and deliver the license to the court to be returned to the Department  
2 of Game, Fish and Parks. ~~For the purpose of this section, the term, guilty, has the same meaning~~  
3 ~~as the term, conviction, in § 32-12-53.~~

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

7 It is a Class 2 misdemeanor for any person, while engaged in the retrieval of small game  
8 from private land without permission of the landowner or lessee of the land, to intentionally  
9 drive or flush any small game located on the land toward other hunters of the retriever's same  
10 hunting group located on other parcels of land or rights-of-way. It is a Class 2 misdemeanor for  
11 any person, who is a member of the same hunting group as the person performing the retrieval  
12 without the permission of the landowner or lessee of the land, to intentionally discharge a  
13 firearm at small game, except waterfowl, that originates from the private land during the  
14 retrieval.

15 This section does not limit the civil remedies available to any landowner.