

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

555B0433

HOUSE ENGROSSED NO. **HB 1073** - 1/30/2019

Introduced by: Representatives Qualm, Chaffee, Chase, Duvall, Finck, Haugaard, Howard, Livermont, Marty, and Randolph and Senators Blare, Cronin, Klumb, and Maher

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding the killing of certain birds  
2 or animals from an aircraft.

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

4 Section 1. That § 41-8-39 be amended to read:

5 41-8-39. ~~No~~ It is a Class 1 misdemeanor for any person may intentionally kill to:

6 (1) Kill or attempt to kill any wild bird or animal from any an aircraft ~~while in flight~~  
7 ~~within this state nor may any person use any, except as otherwise provided for in~~  
8 § 41-8-39.1; or

9 (2) Use an aircraft for the purpose of hunting, taking, concentrating, driving, rallying,  
10 stirring up, locating, or spotting for any persons. ~~Any person who, while in flight in~~  
11 ~~an aircraft of any type, kills or attempts to kill any game bird or game animal or uses~~  
12 ~~such aircraft for the purpose of hunting, taking, concentrating, driving, rallying,~~  
13 ~~stirring up, spotting, or locating game birds or game animals for any persons, is guilty~~  
14 ~~of a Class 1 misdemeanor~~ any wild bird or animal, except that the prohibition in this



1 subdivision does not apply to a person who uses a drone, as defined in § 50-1-1, for  
2 the purpose of locating or spotting a predator or varmint, as defined in § 41-1-1,  
3 during the period of January first to September thirtieth, inclusive, and during the  
4 month of December.