

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

937B0392

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 63** - 1/31/2019

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 a second or subsequent conviction
9 under § 41-9-1 or § 41-9-2 within ten years. The sentencing court may order the revocation of
10 hunting, fishing, or trapping privileges authorized by this section to be served consecutively
11 with any other revocation of the person's hunting, fishing, or trapping privileges imposed for a
12 violation for which the person is convicted and for which revocation of the privileges is
13 authorized under this title. If the person is the holder of a license to hunt, trap, or fish, the court



1 shall require the license holder to surrender and deliver the license to the court to be returned
2 to the Department of Game, Fish and Parks. ~~For the purpose of this section, the term, guilty, has~~
3 ~~the same meaning 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.