

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

555B0433

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1073** - 2/12/2019

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 for the purpose of locating
2 or spotting a predator or varmint, provided:

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

4 (b) The person operating the drone is the landowner or has permission from the
5 landowner or a lessee; and

6 (c) The activity does not occur during the months of September, October, or
7 November.