

AN ACT

ENTITLED, An Act to increase the penalty for a subsequent conviction for trespass to hunt, fish, or trap.

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

Section 1. That § 41-9-8 be amended to read:

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

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

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

waterfowl, that originates from the private land during the retrieval.

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

An Act to increase the penalty for a subsequent conviction for trespass to hunt, fish, or trap.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 63

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 63

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State