



2020 South Dakota Legislature

House Bill 1257

Introduced by: **Representative Finck**

1 **An Act to revise certain provisions regarding hunting, fishing, or trapping on private**
 2 **property without permission.**

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

4 **Section 1.** That § 41-9-8 be AMENDED:

5 **41-9-8. Unauthorized hunting, fishing, or trapping--Revoked privileges--**
 6 **Unarmed retrieval of game--Driving or flushing game--Fine--Violation as**
 7 **misdemeanor.**

8 Any person who knowingly enters or remains on private property for the purpose
 9 of hunting, fishing, or trapping, in violation of § 41-9-1 or 41-9-2, shall be fined five
 10 hundred dollars, and the person shall lose hunting, trapping, or fishing privileges for one
 11 year following the conviction. A person's hunting, fishing, or trapping privileges shall be
 12 revoked for two years following a second or subsequent conviction under § 41-9-1 or § 41-
 13 9-2 within ten years. The sentencing court may order the revocation of hunting, fishing,
 14 or trapping privileges authorized by this section to be served consecutively with any other
 15 revocation of the person's hunting, fishing, or trapping privileges imposed for a violation
 16 for which the person is convicted and for which revocation of the privileges is authorized
 17 under this title. If the person is the holder of a license to hunt, trap, or fish, the court shall
 18 require the license holder to surrender and deliver the license to the court to be returned
 19 to the Department of Game, Fish and Parks.

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

24 It is a Class 2 misdemeanor for any person, while engaged in the retrieval of small
 25 game from private land without permission of the landowner or lessee of the land, to
 26 intentionally drive or flush any small game located on the land toward other hunters of

1 the retriever's same hunting group located on other parcels of land or rights-of-way. It is
2 a Class 2 misdemeanor for any person, who is a member of the same hunting group as
3 the person performing the retrieval without the permission of the landowner or lessee of
4 the land, to intentionally discharge a firearm at small game, except waterfowl, that
5 originates from the private land during the retrieval.

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