



2020 South Dakota Legislature
House Bill 1257
ENROLLED

AN ACT

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

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

Section 1. That § 41-9-8 be AMENDED:

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

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 be fined five hundred dollars, and the person 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 revise certain provisions regarding hunting, fishing, or trapping on private property without permission.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

House as Bill No. 1257

2020 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2020

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2020
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1257
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State