

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0270

HOUSE ENGROSSED NO. **SB54** - 2/25/97

Introduced by: The Committee on Judiciary at the request of the Department of Game, Fish,
and Parks

1 FOR AN ACT ENTITLED, An Act to revise the violations which are cause for the revocation
2 of a person's hunting, trapping, or fishing privileges and to extend the duration of the
3 revocation.

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

5 Section 1. That § 41-6-74 be repealed.

6 ~~— 41-6-74. In any case where a person is convicted of a violation of a game and fish law~~
7 ~~punishable as a felony or Class 1 misdemeanor or a violation of § 41-12-12 or § 41-12-13 or a~~
8 ~~violation of any other law or regulation pertaining to fishing, hunting or possessing game without~~
9 ~~license or during closed season the court shall revoke the person's hunting, trapping, or fishing~~
10 ~~privilege for a period of one year following such conviction and if such person is the holder of~~
11 ~~a license to hunt, trap, or fish, the court shall require such license holder to surrender and deliver~~
12 ~~such license into court and the same shall be canceled and revoked and returned to the~~
13 ~~department of game, fish and parks. For the purpose of this section, "conviction" shall be defined~~
14 ~~as provided in § 32-12-53.~~

15 Section 2. That chapter 41-6 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The court shall revoke a person's hunting, fishing, or trapping privilege for a period of one
3 year following the conviction for any one of the following offenses:

- 4 (1) Violation of any game and fish law punishable as a felony or Class 1 misdemeanor;
- 5 (2) Violation of § 41-12-12;
- 6 (3) Violation of any other law or rule pertaining to fishing, hunting, or possessing game
7 without a license or during a closed season;
- 8 (4) Taking or possessing in excess of the lawful daily or possession limit:
 - 9 (a) One or two paddlefish;
 - 10 (b) Two or three turkeys;
 - 11 (c) Four to six, inclusive, of any one game fish as regulated other than paddlefish;
 - 12 (d) Four to six, inclusive, of any one small game animal as regulated.

13 Section 3. That chapter 41-6 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 The court shall revoke a person's hunting, fishing, or trapping privilege for a period of two
16 to five years, inclusive, following the conviction for taking or possessing in excess of the lawful
17 daily or possession limit any of the following:

- 18 (1) Three or more paddlefish;
- 19 (2) Four or more turkeys;
- 20 (3) Seven or more of any one game fish as regulated other than paddlefish;
- 21 (4) Seven or more of any one small game animal as regulated.

22 Section 4. That chapter 41-6 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 If a person's license has been revoked pursuant to sections 2 or 3 of this Act, the court shall
25 require the license holder to surrender and deliver the license to the court at which time the

1 revocation shall be noted on the face of the license and the license returned to the Department
2 of Game, Fish and Parks. If the person has a combination license, the revocation shall be noted
3 on the face of the license and the license shall be returned to the person to remain valid for the
4 other purposes permitted by the license. For the purposes of this Act, the term, conviction, is
5 defined as provided in § 32-12-53.

1 **BILL HISTORY**

2 1/14/97 First read in Senate and referred to Judiciary. S.J. 22

3 1/24/97 Scheduled for Committee hearing on this date.

4 1/24/97 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 154

5 1/28/97 Senate Do Pass Amended, Passed, AYES 28, NAYS 6. S.J. 199

6 1/29/97 First read in House and referred to Judiciary. H.J. 207

7 2/14/97 Scheduled for Committee hearing on this date.

8 2/14/97 Deferred to another day. H.J. 481

9 2/19/97 Scheduled for Committee hearing on this date.

10 2/19/97 Judiciary Do Pass, Passed, AYES 13, NAYS 0. H.J. 561

11 2/20/97 Deferred to another day. H.J. 623

12 2/21/97 Deferred to another day. H.J. 639

13 2/24/97 Motion to Amend, Passed. H.J. 667

14 2/24/97 House of Representatives Do Pass Amended, Passed, AYES 65, NAYS 3. H.J. 668