

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

376E0445

## SENATE BILL NO. 108

Introduced by: Senator Symens and Representatives Hanson (Gary) and Sigdestad

1 FOR AN ACT ENTITLED, An Act to prohibit willful trespass on private property or on water  
2 or ice covering private property.

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

4 Section 1. That § 41-9-1 be amended to read as follows:

5 41-9-1. Except as provided in § 41-9-2, no person may fish, hunt, or trap upon ~~any~~ another  
6 person's private land not his own or in his possession or upon any water or ice covering another  
7 person's private land without permission from the owner or lessee of such land.

8 No person violating this section may be convicted of trespass if the person did not have  
9 actual or constructive knowledge that the land was private. If the person has been told, informed,  
10 or notified that land, including land inundated by water or covered by ice, is private, whether by  
11 the landowner, lessee, law enforcement officer, area resident, or any other person of probity,  
12 then, with regard to any future trespass, the person so informed or notified, has actual  
13 knowledge. Constructive knowledge that land, including land inundated by water or covered by  
14 ice, is private may be inferred from posting, fencing, the presence of crops, livestock, or  
15 buildings, or other physical indicia of private ownership.

1 A violation of this section is a Class 2 misdemeanor and is subject to § 41-9-8.