

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

552E0758

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1250** -
02/13/2001

Introduced by: Representatives Duenwald, Bradford, Fryslie, Hanson (Gary), Hargens, Holbeck, Jaspers, Jensen, Lintz, Pitts, Rhoden, Sigdestad, and Van Gerpen and Senators Dennert, Diedrich (Elmer), Greenfield, Madden, Putnam, and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain distance restrictions related to hunting from
2 public rights-of-way near certain farmsteads.

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

4 Section 1. That § 41-9-1.1 be amended to read as follows:

5 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,
6 unimproved section lines not commonly used as public rights-of-way, and highways within parks
7 or recreation areas or within or adjoining public shooting areas or game refuges posted for
8 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and
9 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public
10 rights-of-way within this state that meet the requirements of § 41-9-1.3. No person, except the
11 adjoining landowner or any person receiving written permission from the adjoining landowner,
12 may use such highways or rights-of-way for the purposes of hunting defined in this title within
13 six hundred sixty feet of an occupied dwelling, an occupied farmstead, a church, schoolhouse,

1 or livestock. No person, except the adjoining landowner or any person receiving written
2 permission from the adjoining landowner, may use such highways or rights-of-way for the
3 purpose of trapping within six hundred sixty feet of an occupied dwelling, an occupied
4 farmstead, a church, or schoolhouse. A violation of this section is a Class 2 misdemeanor. If any
5 person is convicted of knowingly discharging a firearm within six hundred sixty feet of any
6 occupied dwelling, occupied farmstead, church, or schoolhouse for which such distance has been
7 clearly and accurately marked and posted, the court shall, in addition to any other penalty,
8 revoke the person's hunting privileges for a period of one year from the date of conviction. For
9 purposes of this section, the term, occupied farmstead, means all buildings and structures located
10 within one hundred yards of a dwelling on a farm or ranch if the farm or ranch is the permanent
11 residence of an owner or lessee.