

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

471H0570

## SENATE BILL NO. 78

Introduced by: Senators Symens and Dennert and Representatives Duenwald, Hanson (Gary),  
Jensen, Juhnke, Rhoden, and Sigdestad

1 FOR AN ACT ENTITLED, An Act to increase the hunting safety zone distance.

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

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

4 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,  
5 unimproved section lines not commonly used as public rights-of-way, and highways within parks  
6 or recreation areas or within or adjoining public shooting areas or game refuges posted for  
7 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and  
8 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public  
9 rights-of-way within this state that meet the requirements of § 41-9-1.3. No person, except the  
10 adjoining landowner or any person receiving written permission from the adjoining landowner,  
11 may use such highways or rights-of-way for the purposes of hunting defined in this title within  
12 ~~six hundred sixty~~ one thousand feet of an occupied dwelling, a church, schoolhouse, or livestock.  
13 No person, except the adjoining landowner or any person receiving written permission from the  
14 adjoining landowner, may use such highways or rights-of-way for the purpose of trapping within  
15 ~~six hundred sixty~~ one thousand feet of an occupied dwelling, church, or schoolhouse. A violation



1 of this section is a Class 2 misdemeanor. If any person is convicted of knowingly discharging a  
2 firearm within ~~six hundred sixty~~ one thousand feet of any occupied dwelling, church, or  
3 schoolhouse for which such distance has been clearly and accurately marked and posted, the  
4 court shall, in addition to any other penalty, revoke the person's hunting privileges for a period  
5 of one year from the date of conviction.

6 Section 2. That § 41-9-1.4 be amended to read as follows:

7 41-9-1.4. No person may discharge a firearm while on that portion of public waters of this  
8 state that inundate privately-owned property from a location which is within ~~six hundred sixty~~  
9 one thousand feet of an occupied dwelling, church, schoolhouse, or livestock being held in a  
10 confined area according to standard animal husbandry practices. However, a landowner or any  
11 person receiving permission from the landowner may discharge a firearm while on that portion  
12 of public waters that inundate the private property of that landowner. A violation of this section  
13 is a Class 2 misdemeanor.