

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

381N0147

HOUSE BILL NO. 1305

Introduced by: Representatives Buckingham, Boomgarden, Brunner, Carson, Davis, Dykstra, Elliott, Hackl, Hanks, Hargens, Haverly, Kirkeby, Koistinen, Nelson, Olson (Betty), Pederson (Gordon), Peters, Putnam, Rave, Steele, Weems, and Wick and Senators Napoli, Abdallah, Albers, Duenwald, Hansen (Tom), Peterson (Jim), and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to revise certain age requirements related to hunting and
2 hunting licenses.

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

4 Section 1. That chapter 41-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The provisions of §§ 41-6-16, 41-6-17, 41-6-18.1, 41-6-27, 41-6-28, 41-6-30, 41-6-80, and
7 41-8-6 notwithstanding, any youth who is less than twelve years of age may hunt any small
8 game animal for which the hunting season is open or any predator/varmint without obtaining
9 a hunting license and without completing a hunter safety or hunter education course. Any youth
10 who is at least ten years of age but less than twelve years of age and holds a big game license
11 or a wild turkey license may hunt the species authorized by the license without completing a
12 hunter safety or hunter education course.

13 No youth who is less than twelve years of age may hunt any small game animal, any big
14 game animal, or any predator/varmint unless the youth is accompanied by the youth's parent or



guardian or by a person who is at least twenty-one years of age and has been designated in writing by the parent or guardian to accompany the youth while hunting. No person may accompany a youth hunter pursuant to this section unless the person is licensed to hunt in South Dakota; however, the person accompanying the youth hunter need not be licensed to hunt the same species being hunted by the youth.

Any youth who, pursuant to this section, hunts without a license or without completing a hunter safety course or hunter education course is subject to the other requirements, restrictions, and penalties specified in this title with respect to the species being hunted, except that the combined number of animals taken or possessed by the youth and the youth's parent or guardian or other person designated to accompany the youth may not exceed the number of animals authorized under this title to be taken or possessed by one licensed hunter.

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

For purposes of this chapter, the requirement that a youth hunter be accompanied by an adult is satisfied if the following conditions are met:

(1) If the youth hunter is less than ten years of age, the adult shall be unarmed and shall be within arm's length of the youth hunter at the time the youth hunter discharges a firearm or operates a bow and arrow in the act of hunting. The adult may only accompany one such youth hunter at any one time. No hunting party that includes a youth hunter who is less than ten years of age may include more than six people, regardless of whether or not the other members of the party are hunting or possess or operate firearms; or

(2) If the youth hunter is at least ten years of age but less than sixteen years of age, the adult shall remain within a distance from the youth hunter that allows clear visual and

1 verbal contact with the youth hunter.

2 Section 3. That § 41-6-12 be amended to read as follows:

3 41-6-12. Any person who is a resident of this state, as defined by this title, qualifies as
4 resident for securing any resident hunting or fishing license. All other persons shall secure the
5 applicable nonresident hunting and fishing licenses. No person ~~under the age of~~ who is less than
6 twelve years of age may be granted any hunting license other than a big game license. ~~However,~~
7 ~~any person who is eleven years of age and who will become twelve years of age during the~~
8 ~~period September first through December thirty-first, inclusive, may be granted any hunting~~
9 ~~license and be allowed to hunt beginning September first. No person who is less than ten years~~
10 of age may be granted any big game or wild turkey hunting license.

11 Section 4. That § 41-6-13 be amended to read as follows:

12 41-6-13. A resident hunting license may be issued only to a resident sixteen years of age or
13 older. However, the parent or guardian of a resident who is at least twelve but less than sixteen
14 years of age and meets the age requirements of § 41-6-12 may apply for ~~the~~ any small game
15 license for such person the resident. The parent or guardian of a resident who is at least ten but
16 less than sixteen years of age and meets the requirements of § 41-6-12 may apply for any big
17 game license for the resident. If a license is granted on the application, the license authorizes
18 hunting by the person only if accompanied by a parent, guardian, or ~~responsible adult and adult~~
19 who is at least twenty-one years of age and is licensed to hunt in South Dakota. The license is
20 valid for the license year as provided by the applicable license and rules promulgated by the
21 Game, Fish and Parks Commission pursuant to chapter 1-26. The requirement to be
22 accompanied by an adult no longer applies when the licensee attains sixteen years of age. A
23 violation of this section is a Class 2 misdemeanor.

24 Section 5. That § 41-6-14 be amended to read as follows:

1 41-6-14. Any person ~~between the ages of eleven years and sixteen years~~ who is at least
2 twelve but less than sixteen years of age shall first comply with the provisions of chapter 41-7,
3 pertaining to firearms safety, before being granted a resident hunting license or the applicable
4 nonresident hunting licenses.

5 Section 6. That § 41-6-16.1 be repealed.

6 ~~—41-6-16.1. The hunting of mourning doves by a minor is a Class 2 misdemeanor unless the~~
7 ~~minor is accompanied by a parent, guardian, or responsible adult.~~