

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

552E0758

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1250** - 02/26/2001

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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 provisions regarding hunting on private
2 shooting preserves and along highway rights-of-way.

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

4 Section 1. That § 41-10-9 be amended to read as follows:

5 41-10-9. Game which may be hunted under this chapter ~~shall be mallard ducks, are~~
6 pheasants, quail, partridges, and turkey, ~~and such other species of game as the game, fish and~~
7 ~~parks commission may add. The commission may exclude mallard ducks from the list of~~
8 ~~permitted species for any period of time and without advance notice provided such action is~~
9 ~~deemed necessary to protect such species.~~

10 Section 2. That § 41-9-1.1 be amended to read as follows:

11 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,
12 unimproved section lines not commonly used as public rights-of-way, and highways within parks
13 or recreation areas or within or adjoining public shooting areas or game refuges posted for

1 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and
2 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public
3 rights-of-way within this state that meet the requirements of § 41-9-1.3. No person, except the
4 adjoining landowner or any person receiving written permission from the adjoining landowner,
5 may use such highways or rights-of-way for the purposes of hunting defined in this title within
6 six hundred sixty feet of ~~an occupied dwelling~~, a church, schoolhouse, or livestock. No person,
7 except the adjoining landowner or any person receiving written permission from the adjoining
8 landowner, may use such highways or rights-of-way for the purpose of trapping within six
9 hundred sixty feet of an occupied dwelling, church, or schoolhouse. A violation of this section
10 is a Class 2 misdemeanor. If any person is convicted of knowingly discharging a firearm within
11 six hundred sixty feet of any occupied dwelling, church, or schoolhouse for which such distance
12 has been clearly and accurately marked and posted, the court shall, in addition to any other
13 penalty, revoke the person's hunting privileges for a period of one year from the date of
14 conviction.

15 Section 3. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 No person, except the adjoining landowner or any person receiving written permission from
18 the adjoining landowner, may use the highways or other public rights-of-way within this state
19 that meet the requirements of § 41-9-1.3 for the purpose of hunting defined in this title within
20 a restricted area up to one thousand three hundred twenty feet in length immediately adjacent
21 and lateral to an occupied dwelling if some portion of the restricted area is within six hundred
22 sixty feet of the occupied dwelling and the restricted area has been clearly and accurately marked
23 and posted as a restricted area. A violation of this section is a Class 2 misdemeanor. If any
24 person is convicted of knowingly discharging a firearm within the restricted area that has been

1 clearly and accurately marked and posted as required by this section, the court shall, in addition
2 to any other penalty, revoke the person's hunting privileges for a period of one year from the date
3 of conviction.