

2025 South Dakota Legislature

House Bill 1236**AMENDMENT 1236B
FOR THE INTRODUCED BILL**

1 **An Act to expand the safety zone within which hunting and trapping are restricted.**

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

3 **Section 1. That § 41-9-1.1 be AMENDED:**

4 **41-9-1.1.** Except for controlled access facilities as defined in § 31-8-1, interstate
5 highways, unimproved section lines not commonly used as public rights-of-way, and
6 highways within parks or recreation areas or within or adjoining public shooting areas or
7 game refuges posted for restriction of an applicable use as hereinafter set forth by the
8 Department of Game, Fish and Parks, § 41-9-1 does not apply to fishing, trapping, or
9 hunting on highways or other public rights-of-way within this state that meet the
10 requirements of § 41-9-1.3. For purposes of this section, hunting on highways or other
11 public rights-of-way includes:

- 12 (1) The shooting at or taking by legal methods of small game, except mourning dove,
13 that are located within the boundaries of the highway or public right-of-way; and
14 (2) The shooting at or taking by legal methods of small game, except mourning dove,
15 that are in flight over private land if the small game has either originated from or
16 has taken flight from the highway or public right-of-way or if the small game is in
17 the process of flying over the highway or public right-of-way.

18 Only the owner of the occupied dwelling, church, or schoolhouse; the owner of
19 livestock; or a person who has written permission from the owner of the occupied dwelling,
20 church, or schoolhouse, or the owner of the livestock may use such highways or rights-
21 of-way for the purposes of discharging any firearm or for the purposes of hunting defined
22 in this title within a ~~six hundred sixty foot~~ one-quarter mile one thousand foot safety zone
23 surrounding an occupied dwelling, a church, schoolhouse, or livestock. No other person
24 may discharge a firearm at small game within the safety zone. No person, except the
25 adjoining landowner or any person receiving written permission from the adjoining
26 landowner, may use such highways or rights-of-way for the purpose of trapping within ~~six~~

1 ~~hundred sixty feet~~ one-quarter mile one thousand feet of an occupied dwelling, church, or
2 schoolhouse. A violation of this section is a Class 2 misdemeanor. If any person is
3 convicted of knowingly discharging a firearm within ~~six hundred sixty feet~~ one-quarter
4 mile one thousand feet of any occupied dwelling, church, or schoolhouse for which that
5 distance has been clearly and accurately marked and posted, the court shall, in addition
6 to any other penalty, revoke the person's hunting privileges for a period of one year from
7 the date of conviction. The sentencing court may order the revocation of hunting privileges
8 authorized by this section to be served consecutively with any other revocation of the
9 person's hunting privileges imposed for a violation for which the person is convicted and
10 for which revocation of the privileges is authorized under this title.