



2021 South Dakota Legislature

House Bill 1087

Introduced by: **Representative Mills**

1 **An Act to authorize the use of crossbows by certain hunters.**

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

3 **Section 1.** That § 41-8-31 be AMENDED:

4 **41-8-31. Hunting methods--Restrictions--Exceptions—Penalty.**

5 No person may at any time hunt, catch, take, attempt to take, or kill any small
6 game or game animal in any other manner than by shooting the same with a firearm,
7 except:

8 (1) Game birds and animals may be taken with ~~birds~~;

9 (a) Birds trained in falconry ~~or with bow~~;

10 (b) Bow and arrow; or

11 (c) A crossbow having a draw-lock device, if the person is over sixty;

12 ~~(1A)~~(2) Cottontail rabbit, red squirrel, fox squirrel, grey squirrel, and any species defined
13 as a predator/varmint in § 41-1-1 may be taken with an air gun that complies with
14 specifications established by rules promulgated by the Game, Fish and Parks
15 Commission pursuant to chapter 1-26;

16 ~~(2)~~(3) A person with a permanent or temporary disability who is missing an upper limb,
17 physically incapable of using an upper limb, or confined to a wheelchair may obtain
18 a disabled hunter permit to use a crossbow or other legal bow, equipped with a
19 draw-lock device, to take game birds and animals;

20 ~~(3)~~(4) A person who is legally blind, is legally licensed, possesses a disabled hunter permit,
21 and is physically present and participates in the hunt but cannot safely discharge a
22 firearm or bow and arrow, may claim game birds and animals taken by a designated
23 hunter in accordance with the license possessed by the hunter who is legally blind;

24 ~~(3A)~~(5) A person who is quadriplegic, is legally licensed, possesses a disabled hunter
25 permit, and is physically present and participates in the hunt but cannot safely
26 discharge a firearm or bow and arrow, may claim game birds and animals taken by

1 a designated hunter in accordance with the license possessed by the hunter who is
2 quadriplegic; and

3 ~~(4)(6)~~A person with a permanent or temporary disability, ~~as defined—described in~~
4 ~~subdivision (2) of this section,~~ who is ~~legally~~-licensed for a youth big game hunting
5 season, possesses a disabled hunter permit, and is physically present and
6 participates in the hunt but is unable to safely discharge a firearm or bow and arrow,
7 may claim any big game animal taken by a designated hunter in accordance with
8 the youth big game license possessed by the person with a permanent or temporary
9 disability.

10 A violation of this section is a Class 2 misdemeanor.

11 **Section 2.** That § 41-8-31.1 be AMENDED:

12 **41-8-31.1. Hunting big game—Crossbow permitted.**

13 ~~The provisions of Notwithstanding § 41-8-31 notwithstanding, any:~~

14 ~~(1) Any person who holds a big game license to take a big game animal during the~~
15 ~~firearm season may take the animal by using a crossbow in lieu of a firearm; and~~

16 ~~(2) Any person who is over the age of sixty and holds a license to take a big game~~
17 ~~animal during the archery season may take the animal by using a crossbow having~~
18 ~~a draw-lock device in lieu of a bow and arrow.~~

19 As used in this section, the term, crossbow, means a device for propelling a bolt
20 by means of traverse limbs mounted on a stock and a string. The crossbow may be drawn,
21 held, and released by a mechanical device and shall have at least one hundred twenty-
22 five pounds pull and have a working mechanical safety.