

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

192T0790

HOUSE CONCURRENT RESOLUTION NO. 1013

Introduced by: Representatives Olson (Betty), Brunner, Greenfield, Hansen (Jon), Hubbel, Kirkeby, Liss, Miller, Russell, and Van Gerpen and Senators Rhoden, Begalka, Juhnke, and Maher

1 A CONCURRENT RESOLUTION, Directing the Department of Game, Fish and Parks to
2 return a mountain lion carcass or pelt to a certain Butte County resident and to reconsider
3 its policy with respect to possession of mountain lion carcasses and pelts.

4 WHEREAS, based on state law recognizing wildlife as the property of the public and
5 allowing licensed hunters to possess wildlife animals taken according to the terms of the license,
6 the Department of Game, Fish and Parks will confiscate the carcasses and pelts of mountain
7 lions that are taken outside the terms of a hunting license, regardless of any extenuating
8 circumstances in individual situations; and

9 WHEREAS, SDCL 41-6-29.1 authorizes a person, licensed or unlicensed, to kill a mountain
10 lion if reasonably necessary to protect the life of any person or if the mountain lion poses an
11 imminent threat to the person's livestock or pets; and

12 WHEREAS, on December 25, 2011, a rancher from Butte County shot a 130-pound
13 mountain lion in the ranch yard thirty feet from his house. He had been having a problem with
14 raccoons, and when he saw eyes reflected in the yard light, he fired his .22, thinking it was either



1 a raccoon or a skunk. His three-year-old granddaughter had been playing within a few feet of
2 where he shot the mountain lion until she was called into the ranch house for supper. He held
3 a valid license to hunt mountain lions, and he called Game, Fish and Parks as required. The
4 game warden confiscated the mountain lion because the caliber rifle that was used was too small
5 and the animal was shot after dark; and

6 WHEREAS, in this case, the immediate circumstances of the situation made it impossible,
7 or extremely imprudent and potentially threatening to life or property, to follow all of the
8 requirements of the mountain lion hunting license with respect to caliber of the weapon and
9 shooting hours. The person in question held a valid mountain lion hunting license, acted in a
10 prudent manner to address what could have been an emergency situation, and reported his
11 actions promptly and honestly to the Department of Game, Fish and Parks; and

12 WHEREAS, the interpretation of state statute resulting in the confiscation of mountain lions
13 in this instance is unfair and falls outside the spirit of the statute:

14 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
15 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the South
16 Dakota Legislature requests the Department of Game, Fish and Parks, in the case described in
17 this resolution, to return the mountain lion carcass or pelt to the licensed hunter who shot the
18 mountain lion; and

19 BE IT FURTHER RESOLVED, that the Legislature urges the Department of Game, Fish
20 and Parks to reconsider its policies relating to the confiscation of mountain lions taken by
21 licensed hunters in situations in which circumstances require immediate action to protect the
22 safety of persons and property.