

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

246W0515

SENATE BILL NO. 129

Introduced by: Senators Olson, Ewing, Heinert, and Peterson (Jim) and Representatives Brunner, Feickert, Klumb, May, and Schrempp

1 FOR AN ACT ENTITLED, An Act to revise provisions relating to trespass associated with
2 hunting, fishing, or trapping.

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

4 Section 1. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who trespasses in violation of § 22-35-6 while en route to a hunting, fishing, or
7 trapping area for the purpose of hunting, fishing, or trapping is subject to § 41-9-8.

8 Section 2. That § 41-9-8 be amended to read as follows:

9 41-9-8. Any person who knowingly enters or remains on private property for the purpose
10 of hunting, fishing, or trapping, in violation of § 41-9-1 or 41-9-2, or as provided in section 1
11 of this Act, shall lose hunting, trapping, or fishing privileges for one year following the
12 conviction. The sentencing court may order the revocation of hunting, fishing, or trapping
13 privileges authorized by this section to be served consecutively with any other revocation of the
14 person's hunting, fishing, or trapping privileges imposed for a violation for which the person is
15 convicted and for which revocation of the privileges is authorized under this title. If the person



1 is the holder of a license to hunt, trap, or fish, the court shall require the license holder to
2 surrender and deliver the license to the court to be returned to the Department of Game, Fish and
3 Parks. For the purpose of this section, the term, guilty, has the same meaning as the term,
4 conviction, in § 32-12-53.

5 Unarmed retrieval of lawfully taken small game from either private land or land controlled
6 by the Department of Game, Fish and Parks or other public lands, is not a crime or petty offense,
7 if the retrieval of the small game does not involve the use of a motor vehicle.

8 It is a Class 2 misdemeanor for any person, while engaged in the retrieval of small game
9 from private land without permission of the landowner or lessee of the land, to intentionally
10 drive or flush any small game located on the land toward other hunters of the retriever's same
11 hunting group located on other parcels of land or rights-of-way. It is a Class 2 misdemeanor for
12 any person, who is a member of the same hunting group as the person performing the retrieval
13 without the permission of the landowner or lessee of the land, to intentionally discharge a
14 firearm at small game, except waterfowl, that originates from the private land during the
15 retrieval.

16 This section does not limit the civil remedies available to any landowner.