

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

554B0445

## HOUSE BILL NO. 1089

Introduced by: Representative Pederson (Gordon) and Senator Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the killing or taking  
2 of elk and turkey which are damaging property.

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

4 Section 1. That § 41-1-5.1 be amended to read as follows:

5 41-1-5.1. Any person other than a minor under the age of sixteen years who willfully and  
6 unlawfully kills, destroys, takes or possesses in this state any animal ~~as hereafter~~ designated by  
7 this section is liable to the state for damages, which are five thousand dollars for each elk or  
8 buffalo; ten thousand dollars for each mountain goat or mountain sheep; one thousand dollars  
9 for each deer, antelope or bobcat. However, the return uninjured of the big game animal to the  
10 place where captured, or to such other place as the Department of Game, Fish and Parks may  
11 direct, shall constitute a discharge of such damages. However, the provisions of this section do  
12 not apply to any person, who, after first giving two days' written notice to the Department of  
13 Game, Fish and Parks, takes reasonable actions to protect ~~his~~ the person's land or crops from  
14 serious and extraordinary damages caused by elk, deer, or antelope.

15 Section 2. That § 41-1-5.3 be amended to read as follows:

16 41-1-5.3. Any person, other than a minor under the age of sixteen years, who willfully and

1 unlawfully kills, destroys, takes or possesses any small game bird or wild turkey during a closed  
2 season or without a license is liable to the state for civil damages of one hundred dollars for each  
3 small game bird and two hundred dollars for each turkey. However, the provisions of this section  
4 do not apply to any person, who, after first giving two days' written notice to the Department  
5 of Game, Fish and Parks, takes reasonable actions to protect the person's land or crops from  
6 serious and extraordinary damages caused by wild turkeys.

7 Section 3. That § 41-1-5.4 be amended to read as follows:

8 41-1-5.4. Any person, other than a minor under the age of sixteen years, who willfully and  
9 unlawfully kills, destroys, takes or possesses five or more small game birds or two or more wild  
10 turkeys in excess of the legal limit during an open season is liable to the state for civil damages  
11 of one hundred dollars per each small game bird and two hundred dollars for each turkey in  
12 excess of the legal limit. However, the provisions of this section do not apply to any person,  
13 who, after first giving two days' written notice to the Department of Game, Fish and Parks, takes  
14 reasonable actions to protect the person's land or crops from serious and extraordinary damages  
15 caused by wild turkeys.