

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

660J0508

HOUSE ENGROSSED NO. **HB 1161** - 02/03/2004

Introduced by: Representative Juhnke and Senator Duenwald

1 FOR AN ACT ENTITLED, An Act to prohibit certain practices associated with unarmed
2 retrieval of small game and to establish a penalty.

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

4 Section 1. That § 41-9-8 be amended to read as follows:

5 41-9-8. Any person who knowingly enters or remains on private property for the purpose
6 of hunting, fishing or trapping, in violation of § 41-9-1 or 41-9-2, shall ~~have his~~ lose hunting,
7 trapping or fishing privileges ~~revoked~~ for one year following ~~such the~~ conviction. If the person
8 is the holder of a license to hunt, trap or fish, the court shall require the license holder to
9 surrender and deliver the license to the court to be returned to the Department of Game, Fish and
10 Parks. For the purpose of this section, the term, "guilty", has the same meaning as the term
11 "conviction", in § 32-12-53.

12 Unarmed retrieval of lawfully taken small game from either private land or land controlled
13 by the Department of Game, Fish and Parks or other public lands, is not a crime or petty offense,
14 ~~provided that such~~ if the retrieval of the small game does not involve the use of a motor vehicle.

15 It is a Class 2 misdemeanor for any person, while engaged in the retrieval of small game
16 from private land without permission of the landowner or lessee of the land, to intentionally



1 drive or flush any small game located on the land toward other hunters of the retriever's same
2 hunting group located on other parcels of land or rights-of-way. It is a Class 2 misdemeanor for
3 any person, who is a member of the same hunting group as the person performing the retrieval
4 without the permission of the landowner or lessee of the land, to intentionally discharge a
5 firearm at small game, except waterfowl, that originates from the private land during the
6 retrieval.

7 This section ~~may not be construed to~~ does not limit the civil remedies available to any
8 landowner.