

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0248

HOUSE ENGROSSED NO. **HB 1014** - 1/27/2010

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish and Parks

1 FOR AN ACT ENTITLED, An Act to define trophy and nontrophy antelope, mule deer, white-
2 tailed deer, and elk, and establish court-imposed, criminal fines for the unlawful taking of
3 trophy animals.

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

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

7 Terms, as used in this Act, mean:

- 8 (1) "Trophy antelope," any antelope with at least one horn greater than fifteen inches in
9 length, as measured along the outside curve from base to tip;
- 10 (2) "Trophy mule deer," any mule deer having a Boone and Crockett gross score of one
11 hundred seventy points or greater;
- 12 (3) "Trophy white-tailed deer," any white-tailed deer having a Boone and Crockett gross
13 score of one hundred fifty points or greater; and
- 14 (4) "Trophy elk," any elk having a Boone and Crockett gross score of three hundred
15 twenty points or greater.



1 The Boone and Crockett score shall be determined using the Boone and Crockett Club's
2 official scoring system for North American big game trophies as provided in Records of North
3 American Big Game, 12th Edition, The Boone & Crockett Club, Missoula, MT, 2005. For
4 purposes of this section, antlers or skulls may be measured at any time; no drying period is
5 required.

6 Section 2. That chapter 41-1 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 For purposes of this Act, any antelope, mule deer, white-tailed deer, or elk not defined as
9 a trophy is considered nontrophy.

10 Section 3. That § 41-1-5.1 be amended to read as follows:

11 41-1-5.1. Any person, other than a minor under the age of sixteen years, who willfully and
12 unlawfully kills, destroys, takes, or possesses in this state any wild animal designated by this
13 section:

- 14 (1) Without an applicable and valid big game or small game license; ~~or~~
- 15 (2) At a time or place when and where taking or possession of such regulated wild
16 animal is prohibited; ~~or~~
- 17 (3) In excess of the legal limit of big game if exceeded by one or more; or
- 18 (4) In excess of the legal daily or possession limit of small game bird or fish if exceeded
19 by two or more;

20 is liable to the state for ~~civil damages~~ court-imposed, criminal fines.

21 The ~~civil damages~~ court-imposed, criminal fines are not more than five thousand dollars for
22 each nontrophy elk, mountain lion, ~~or~~ buffalo, trophy antelope, trophy mule deer, or trophy
23 white-tailed deer; not more than ten thousand dollars for each mountain goat ~~or,~~ mountain
24 sheep, or trophy elk; not more than one thousand dollars for each nontrophy mule deer,

1 nontrophy white-tailed deer, nontrophy antelope, or bobcat; not more than two hundred dollars
2 for each turkey; not more than two hundred dollars for each paddlefish; not more than one
3 hundred dollars for each small game bird; and not more than fifty dollars for each fish for any
4 species, other than paddlefish, with an established daily limit of less than twenty-five.

5 If a person has taken or is in possession of more than two times the lawful daily or
6 possession limit of a regulated wild animal, such person is liable for twice the ~~damages~~ fin
7 provided in this section.

8 However, the return uninjured of the wild animal to the place where captured, or to such
9 other place as the Department of Game, Fish and Parks may direct, constitutes a discharge of
10 such damages. Moreover, the provisions of this section do not apply to any person, who, after
11 providing written notice received by the Department of Game, Fish and Parks, forty-eight hours
12 in advance, takes reasonable actions to protect the person's land, livestock, or crops from serious
13 and extraordinary damages caused by elk, deer, antelope, wild turkey, or mountain lion. Nothing
14 in this section or any other provision of law prevents any person from taking any action
15 necessary to protect the personal safety of that person or any other person who is in immediate
16 danger of harm from a mountain lion or other animal specified in this section.