

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## SENATE BILL NO. 107

Introduced by: Senators Cammack, Curd, Ewing, Olson, Peterson (Jim), Rampelberg, Rusch, Solano, Sutton, and Vehle and Representatives Qualm, Bartling, Brunner, Campbell, Duvall, Haugaard, Hunhoff (Jean), Johns, Klumb, Peterson (Kent), Schaefer, Werner, Wiik, and Wink

1 FOR AN ACT ENTITLED, An Act to clarify certain safety zone restrictions on hunting.

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

3 Section 1. That § 41-9-1.1 be amended to read:

4 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,  
5 unimproved section lines not commonly used as public rights-of-way, and highways within  
6 parks or recreation areas or within or adjoining public shooting areas or game refuges posted  
7 for restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and  
8 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public  
9 rights-of-way within this state that meet the requirements of § 41-9-1.3. For purposes of this  
10 section, hunting on highways or other public rights-of-way includes:

11 (1) The shooting at or taking by legal methods of small game, except mourning dove,  
12 that are located within the boundaries of the highway or public right-of-way; and

13 (2) The shooting at or taking by legal methods of small game, except mourning dove,  
14 that are in flight over private land if the small game has either originated from or has



1 taken flight from the highway or public right-of-way or if the small game is in the  
2 process of flying over the highway or public right-of-way.

3 If subdivision (2) of this section is declared by an advisory opinion or adjudication of the  
4 South Dakota Supreme Court to be a taking of private property requiring compensation,  
5 subdivision (2) is void.

6 No person, ~~except the adjoining landowner or any person receiving written permission from~~  
7 ~~the adjoining landowner,~~ may use such highways or rights-of-way for the purposes of  
8 discharging any firearm or for the purposes of hunting defined in this title within a six hundred  
9 sixty-foot safety zone surrounding an occupied dwelling, a church, schoolhouse, or livestock.  
10 Neither the person discharging a firearm at small game nor the small game being shot at may  
11 be within the safety zone. No person, except the adjoining landowner or any person receiving  
12 written permission from the adjoining landowner, may use such highways or rights-of-way for  
13 the purpose of trapping within six hundred sixty feet of an occupied dwelling, church, or  
14 schoolhouse. A violation of this section is a Class 2 misdemeanor. If any person is convicted  
15 of knowingly discharging a firearm within six hundred sixty feet of any occupied dwelling,  
16 church, or schoolhouse for which ~~such~~ that distance has been clearly and accurately marked and  
17 posted, the court shall, in addition to any other penalty, revoke the person's hunting privileges  
18 for a period of one year from the date of conviction. The sentencing court may order the  
19 revocation of hunting privileges authorized by this section to be served consecutively with any  
20 other revocation of the person's hunting privileges imposed for a violation for which the person  
21 is convicted and for which revocation of the privileges is authorized under this title.