

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

554B0445

HOUSE STATE AFFAIRS COMMITTEE
ENGROSSED NO. **HB1089** - 2/4/98

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'~~ providing written notice ~~to~~ received by
13 the Department of Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions
14 to protect ~~his~~ the person's land or crops from serious and extraordinary damages caused by elk,
15 deer, or antelope.

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

2 41-1-5.3. Any person, other than a minor under the age of sixteen years, who willfully and
3 unlawfully kills, destroys, takes or possesses any small game bird or wild turkey during a closed
4 season or without a license is liable to the state for civil damages of one hundred dollars for each
5 small game bird and two hundred dollars for each turkey. However, the provisions of this section
6 do not apply to any person, who, after providing written notice received by the Department of
7 Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions to protect the
8 person's land or crops from serious and extraordinary damages caused by wild turkeys.

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

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

1 **BILL HISTORY**

2 1/16/98 First read in House and referred to State Affairs. H.J. 56

3 2/2/98 Scheduled for Committee hearing on this date.

4 2/2/98 Scheduled for Committee hearing on this date.

5 2/2/98 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 3. H.J. 358