

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

282I0534

HOUSE BILL NO. 1193

Introduced by: Representatives Olson (Ryan), Garnos, Juhnke, Lintz, and Van Gerpen and
Senators Duenwald, Dennert, and Nachtigal

1 FOR AN ACT ENTITLED, An Act to increase the penalty for certain trespass violations related
2 to hunting, fishing, and trapping.

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 hunting,
7 trapping, or fishing privileges revoked ~~for one year~~ following such conviction for a period not
8 to exceed one year for the first offense and for a period of at least one year but no more than
9 three years for any subsequent offense. If the person is the holder of a license to hunt, trap, or
10 fish, the court shall require the license holder to surrender and deliver the license to the court to
11 be returned to the Department of Game, Fish and Parks. For the purpose of this section, the
12 term, "guilty", has the same meaning as the term, "conviction", in § 32-12-53.

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



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

3 Section 2. That § 41-6-74.1 be amended to read as follows:

4 41-6-74.1. At the time of conviction for any one of the following offenses:

- 5 (1) Violation of any game and fish law punishable as a Class 1 misdemeanor;
- 6 (2) Violation of § 41-8-37, 41-9-1.2, or 41-8-17 except for a landowner, occupant, or
7 accompanying guests of the landowner or occupant on the owner's or occupant's land
8 or a person employed by the Department of Game, Fish and Parks in the performance
9 of the person's duty, or § 41-12-12;
- 10 (3) Violation of any other statute or rule pertaining to fishing, hunting, or possessing
11 game or game fish without a license or during a closed season; or
- 12 (4) Taking or possessing in excess of the lawful daily or possession limit:
 - 13 (a) One or two paddlefish;
 - 14 (b) Two or three turkeys;
 - 15 (c) Four to six, inclusive, of any one game fish as regulated other than paddlefish;
 - 16 (d) Four to six, inclusive, of any one small game animal as regulated;

17 the person's applicable hunting, fishing, or trapping privileges in South Dakota are automatically
18 revoked without further hearing for a period ~~of one year~~ not to exceed one year for the first
19 offense and at least one year but less than three years for any subsequent offense following date
20 of conviction, as determined by the court.