



2021 South Dakota Legislature

House Bill 1112

Introduced by: **Representative Blare**

1 **An Act to revise the safety zone within which a firearm may be discharged.**

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

3 **Section 1.** That § 41-9-1.1 be AMENDED.

4 **41-9-1.1. Discharge of firearms--Distance from building or livestock --**
 5 **Exceptions--Revoked privileges--Penalty.**

6 Except for controlled access facilities, as defined in § 31-8-1, interstate highways,
 7 unimproved section lines not commonly used as public rights-of-way, and highways within
 8 parks or recreation areas or within or adjoining public shooting areas or game refuges
 9 posted for restriction of an applicable use, as hereinafter set forth by the Department of
 10 Game, Fish and Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on
 11 highways or other public rights-of-way ~~within this state~~ that meet the requirements of
 12 § 41-9-1.3. For purposes of this section, hunting on highways or other public rights-of-
 13 way includes:

- 14 (1) The shooting at or taking by legal methods of small game, except mourning dove,
 15 that are located within the boundaries of the highway or public right-of-way; and
 16 (2) The shooting at or taking by legal methods of small game, except mourning dove,
 17 that are in flight over private land, if the small game has either originated from or
 18 has taken flight from the highway or public right-of-way, or if the small game is in
 19 the process of flying over the highway or public right-of-way.

20 Only the owner of the occupied dwelling, church, or schoolhouse; the owner of
 21 livestock; or a person who has written permission from the owner of the occupied dwelling,
 22 church, or schoolhouse, or the owner of the livestock may use such highways or rights-
 23 of-way for the purposes of discharging any firearm or for the purposes of hunting, as
 24 defined in this title, within a ~~six hundred sixty foot~~ three-hundredyard safety zone
 25 surrounding an occupied dwelling, a church, a schoolhouse, or livestock. No other person
 26 may discharge a firearm at small game within the safety zone.

1 No person, except the adjoining landowner or any person receiving written permission
2 from the adjoining landowner, may use such highways or rights-of-way for the purpose of
3 trapping, ~~within six hundred sixty feet~~ three hundred yards of an occupied dwelling,
4 church, or schoolhouse.

5 A violation of this section is a Class 2 misdemeanor. ~~If any person is convicted of~~
6 ~~knowingly discharging a firearm within six hundred sixty feet of any occupied dwelling,~~
7 ~~church, or schoolhouse for which that distance has been clearly and accurately marked~~
8 ~~and posted~~ Upon conviction, the court shall, in addition to any other penalty, revoke the
9 person's hunting privileges for a period of one year from the date of conviction. The
10 ~~sentencing court may order the~~ that a revocation of hunting privileges, authorized by this
11 ~~section to be served consecutively with~~ be consecutive to any other revocation of the
12 person's hunting privileges authorized under this title and ~~imposed for~~ resulting from a
13 ~~violation for which the person is convicted~~ conviction and for which revocation of the
14 privileges is authorized under this title.