



## 2022 South Dakota Legislature

# House Bill 1072

Introduced by: **Representative Finck**

1 **An Act to revise the safety zone within which a firearm may be discharged or**  
 2 **trapping activities may occur.**

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

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

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

12 For purposes of this section, hunting on ~~highways~~a highway or other public ~~rights-~~  
 13 ~~of-way~~right-of-way includes:

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

22 Only the owner of ~~the~~an occupied dwelling, church, or schoolhouse; the owner of  
 23 livestock; or a person who has written permission from the owner of ~~the~~an occupied  
 24 dwelling, church, or schoolhouse, or the owner of the livestock may use such ~~highways or~~  
 25 ~~rights of way~~highway or right-of-way for the ~~purposes~~purpose of discharging any firearm  
 26 or for the ~~purposes of~~ hunting, as defined in this title, ~~within a six hundred sixty-foot~~

1 ~~three-hundred yard~~ safety zone surrounding ~~an~~the occupied dwelling, ~~a~~a church,  
2 schoolhouse, or livestock. No other person may discharge a firearm at small game within  
3 the safety zone.

4 No person, except ~~the~~an adjoining landowner or ~~any a person receiving~~having  
5 written permission from the adjoining landowner, may use such ~~highways or rights of~~  
6 ~~way~~highway or right-of-way for the purpose of trapping within ~~six~~three hundred ~~sixty~~  
7 ~~feetyards~~ of an occupied dwelling, church, or schoolhouse.

8 A violation of this section is a Class 2 misdemeanor.

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