



2022 South Dakota Legislature

House Bill 1162

Introduced by: **Representative** Kevin Jensen

1 **An Act to remove the definition of a loaded firearm.**

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

3 **Section 1. That § 40-35-1 be AMENDED:**

4 **40-35-1.** Domesticated fur-bearing animals are fur-bearing animals pen bred for
 5 more than two generations or all fur-bearing animals purchased from a breeder outside
 6 the state and brought into the state. All other fur-bearing animals are wild fur-bearing
 7 animals. Documentation is required for the possession of live fur-bearing animals as
 8 defined in ~~subdivision 41-1-1(11)~~ § 41-1-1.

9 **Section 2. That § 41-1-1 be AMENDED:**

10 **41-1-1.** Terms used in this title mean:

- 11 (1) "Any part thereof" or "the parts thereof," includes the hide, horns, and hoofs of any
 12 animal so referred to, and the plumage and skin and every other part of any bird
 13 so referred to;
- 14 (2) "Bait," baitfish, frogs, toads, salamanders, crayfish, freshwater shrimp, clams,
 15 snails and leeches;
- 16 (3) "Baitfish," includes fish of the minnow family (cyprinidae) except carp (cyprinus
 17 spp.) and goldfish (carassius spp.), fish of the sucker family (castostomidae)
 18 except buffalofish (ictiobus spp.) and carpsucker (carpiodes spp.), and fish of the
 19 stickleback family (gasterosteidae);
- 20 (4) "Big game," all cloven-hoofed wild animals, wild mountain lion, wild black bear, and
 21 wild turkey. The term includes facsimiles of big game used for law enforcement
 22 purposes, but does not include any captive nondomestic animal of the mammalia
 23 class and the products thereof regulated by the Animal Industry Board under Title
 24 40;

- 1 (5) "Big game seal," a locking seal which bears the same number as the license with
2 which it is issued;
- 3 (6) "Big game tag," a tag which is part of the regular big game license and bears the
4 same number as the license proper;
- 5 (7) "Biological specimens," wild nongame animals used for scientific study and collected
6 for resale to biological supply companies;
- 7 (8) "Carcass," the dead body of any wild animal to which it refers, including the head,
8 hair, skin, plumage, skeleton, or any other part thereof;
- 9 (9) "Domestic animal," any animal that through long association with man, has been
10 bred to a degree which has resulted in genetic changes affecting the temperament,
11 color, conformation, or other attributes of the species to an extent that makes it
12 unique and different from wild individuals of its kind;
- 13 ~~(9A)~~(10) "Domicile," a person's established, fixed, and permanent home to which the
14 person, whenever absent, has the present intention of returning;
- 15 ~~(10)~~(11) "Fishing," the taking, capturing, killing, or fishing for fish of any variety in
16 any manner. If the word, fish, is used as a verb, it has the same meaning as the
17 word, fishing;
- 18 ~~(11)~~(12) "Fur-bearing animals," opossum, muskrat, beaver, mink, marten, river otter,
19 fisher, blackfooted ferret, skunks (all species), raccoon, badger, red, grey and swift
20 fox, coyote, bobcat, lynx, weasel, and jackrabbit;
- 21 ~~(12)~~(13) "Game," all wild mammals or birds;
- 22 ~~(13)~~(14) "Game fish," all species belonging to the paddlefish, sturgeon, salmon (trout),
23 pike, catfish (including bullheads), sunfish (including black bass and crappies),
24 perch (including walleye and sauger), and bass families. All species not included in
25 the game fish families are rough fish;
- 26 ~~(14)~~(15) "Hunt" or "hunting," shooting, shooting at, pursuing, taking, attempting to
27 take, catching, or killing of any wild animal or animals;
- 28 ~~(15)~~ "Loaded firearm," any firearm or other implement capable of discharging a
29 projectile, containing cartridges, shells or projectiles in either the chamber, clip, or
30 magazine;
- 31 (16) "Migratory waterfowl," any wild geese, swans, brants, coot, merganser, or wild
32 ducks;
- 33 (17) "Migratory bird," all migratory waterfowl, sandhill crane, snipe, and dove;

- 1 (18) "Motor vehicle," any self-propelled vehicle and any vehicle propelled or drawn by a
2 self-propelled vehicle, whether operated upon a highway, railroad track, on the
3 ground, in the water, or in the air;
- 4 (19) "Nondomestic animal," any animal that is not domestic;
- 5 (20) "Possession," both actual and constructive possession, as well as the control of the
6 article referred to;
- 7 (21) "Predator/varmint," coyote, wolf, gray fox, red fox, skunk, gopher, ground squirrel,
8 chipmunk, jackrabbit, marmot, opossum, porcupine, crow, and prairie dog;
- 9 (22) "Resident," a person having a domicile within this state for at least ninety
10 consecutive days immediately preceding the date of application for, purchasing, or
11 attempting to purchase any license required under the provisions of this title or
12 rules of the commission, who makes no claim of residency in any other state or
13 foreign country for any purpose, and other than for a person described in § 41-1-
14 1.1, claims no resident hunting, fishing, or trapping privileges in any other state or
15 foreign country, and prior to any application for any license, transfers to this state
16 the person's driver's license and motor vehicle registrations;
- 17 (23) "Sell" and "sale," any sale or offer to sell or have in possession with intent to sell,
18 use, or dispose of;
- 19 (24) "Small game," anatidae, commonly known as swans, geese, brants, merganser,
20 and river and sea ducks; the rallidae, commonly known as rails, coots, and
21 gallinule; the limicolae, referring specifically to shore birds, plover, snipe, and
22 woodcock; the gruidae, commonly known as sandhill crane; the columbidae,
23 commonly known as the mourning dove; the gallinae, commonly known as grouse,
24 prairie chickens, pheasants, partridges, and quail but does not include wild turkeys;
25 cottontail rabbit; and fox, grey and red squirrel. The term includes facsimiles of
26 small game used for law enforcement purposes;
- 27 (25) "Trapping," the taking or the attempting to take of any wild animals by means of
28 setting or operating of any device, mechanism, or contraption that is designed,
29 built, or made to close upon, hold fast, or otherwise capture a wild animal or
30 animals. If the word, trap, is used as a verb, it has the same meaning as the word,
31 trapping;
- 32 (26) "Trout streams" or "trout waters," all waters and streams or portions of streams
33 which contain trout;

- 1 (27) "Waters of the state," all the boundary waters of the state, and the provisions of
2 this title are deemed to extend to and be in force and effect over and upon and in
3 all thereof, unless otherwise expressly provided;
- 4 (28) "Wild animal," any mammal, bird, fish, or other creature of a wild nature endowed
5 with sensation and the power of voluntary motion.