

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

804U0559

HOUSE BILL NO. 1160

Introduced by: Representatives Nelson, Bartling, Greenfield, Heinert, Hoffman, Kopp, May, Miller, Olson (Betty), Qualm, Russell, Schaefer, Schoenfish, Schrempp, Steele, Tulson, Tyler, and Verchio and Senators Begalka, Adelstein, Frerichs, Jensen, Kirkeby, Lederman, Maher, Monroe, Omdahl, Otten (Ernie), Rampelberg, Rhoden, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to clarify certain penalty provisions relating to damage
2 caused by wildlife to land, livestock, or crops.

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 wild animal designated by this
7 section:

8 (1) Without an applicable and valid big game or small game license;

9 (2) At a time or place when and where taking or possession of such regulated wild
10 animal is prohibited;

11 (3) In excess of the legal limit of big game if exceeded by one or more; or

12 (4) In excess of the legal daily or possession limit of small game bird or fish if exceeded
13 by two or more;



1 is liable to the state for civil damages.

2 The civil damages are five thousand dollars for each nontrophy elk, mountain lion, or
3 buffalo; ten thousand dollars for each mountain goat or mountain sheep; one thousand dollars
4 for each nontrophy mule deer, nontrophy white-tailed deer, nontrophy antelope, or bobcat; two
5 hundred dollars for each turkey; two hundred dollars for each paddlefish; one hundred dollars
6 for each small game bird; and fifty dollars for each fish for any species, other than paddlefish,
7 with an established daily limit of less than twenty-five. The civil damages for each trophy
8 antelope, trophy mule deer, and trophy white-tailed deer as defined in § 41-1-1.3 may not be less
9 than two thousand dollars and may not exceed five thousand dollars, and the civil damages for
10 each trophy elk as defined in § 41-1-1.3 may not be less than six thousand dollars and may not
11 exceed ten thousand dollars.

12 If a person has taken or is in possession of more than two times the lawful daily or
13 possession limit of a regulated wild animal, such person is liable for twice the damages provided
14 in this section.

15 However, the return uninjured of the wild animal to the place where captured, or to such
16 other place as the Department of Game, Fish and Parks may direct, constitutes a discharge of
17 such damages. Moreover, the provisions of this section do not apply to any person, who, after
18 providing written notice received by the Department of Game, Fish and Parks, forty-eight hours
19 in advance, takes reasonable actions to protect the person's land, livestock, or crops from serious
20 and extraordinary damages caused by elk, deer, antelope, wild turkey, or mountain lion. No
21 person who acts in compliance with this section to protect the person's land, livestock, or crops
22 from such damage is guilty of any criminal offense or subject to any criminal penalty in
23 connection with those actions. Nothing in this section or any other provision of law prevents any
24 person from taking any action necessary to protect the personal safety of that person or any other

- 1 person who is in immediate danger of harm from a mountain lion or other animal specified in
- 2 this section.