

Superseded 5/4/2022

23-20-14 Definitions -- Posted property -- Hunting by permission -- Entry on private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to officers.

(1) As used in this section:

- (a) "Cultivated land" means land that is readily identifiable as:
 - (i) land whose soil is loosened or broken up for the raising of crops;
 - (ii) land used for the raising of crops; or
 - (iii) pasturage which is artificially irrigated.
- (b) "Division" means the Division of Wildlife Resources.
- (c) "Permission" means written authorization from the owner or person in charge to enter upon private land that is either cultivated or properly posted, and shall include:
 - (i) the signature of the owner or person in charge;
 - (ii) the name of the person being given permission;
 - (iii) the appropriate dates; and
 - (iv) a general description of the property.
- (d) "Properly posted" means that signs prohibiting trespass or bright yellow, bright orange, or fluorescent paint are clearly displayed:
 - (i) at all corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land; or
 - (ii) in a manner that would reasonably be expected to be seen by a person in the area.

(2)

- (a) While taking wildlife or engaging in wildlife related activities, a person may not:
 - (i) without permission, enter upon privately owned land that is cultivated or properly posted;
 - (ii) enter or remain on privately owned land if the person has notice to not enter or remain on the privately owned land; or
 - (iii) obstruct any entrance or exit to private property.
- (b) A person has notice to not enter or remain on privately owned land if:
 - (i) the person is directed to not enter or remain on the land by:
 - (A) the owner of the land;
 - (B) the owner's employee; or
 - (C) a person with apparent authority to act for the owner; or
 - (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person would recognize as intended to exclude intruders.
- (c) The division shall provide "hunting by permission cards" to a landowner upon the landowner's request.
- (d) A person may not post:
 - (i) private property the person does not own or legally control; or
 - (ii) land that is open to the public as provided by Section 23-21-4.

(3)

- (a) A person convicted of violating Subsection (2)(a) may have the person's license, tag, certificate of registration, or permit, relating to the activity engaged in at the time of the violation, revoked by a hearing officer.
- (b) A hearing officer may construe any subsequent conviction which occurs within a five-year period as a flagrant violation and may prohibit the person from obtaining a new license, tag, certificate of registration, or permit for a period of up to five years.

(4) Subsection (2)(a) does not apply to peace or conservation officers in the performance of their duties.

(5)

- (a) The division shall provide information regarding owners' rights and sportsmen's duties:
 - (i) to anyone holding licenses, certificates of registration, tags, or permits to take wildlife; and
 - (ii) by using the public media and other sources.
 - (b) The restrictions in this section relating to trespassing shall be stated in all hunting and fishing proclamations issued by the Wildlife Board.
- (6) A person who violates Subsection (2)(a) or (d) is guilty of a class B misdemeanor.