

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 58** - 02/04/2016

Introduced by: Senators Frerichs, Olson, Peterson (Jim), and Rusch and Representatives
Werner, Gibson, May, and Schrempp

1 FOR AN ACT ENTITLED, An Act to revise certain restrictions for the use of night-vision
2 equipment for hunting under certain conditions.

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

4 Section 1. That § 41-8-17 be amended to read:

5 41-8-17. During the time from sunset to sunrise, no person may use or possess night-vision
6 equipment or throw or cast the rays of a spotlight, headlight, or other artificial light on any
7 highway, or in any field, pasture, woodland, forest, or prairie, for the purpose of spotting,
8 locating, or taking or attempting to take or hunt any animal while having in possession or
9 control any firearm, bow or other implement whereby any game could be killed. However:

10 (1) A person may use a hand held light while on foot, to take raccoons after they have
11 been treed by dogs;

12 (2) A landowner or occupant and ~~one guest~~ no more than four guests accompanied by the
13 landowner or occupant may use an artificial light and night vision equipment on the
14 owner's or occupant's land, with a shotgun using shot shells only or a firearm using



1 a ~~rimfire cartridge~~ cartridge with a bullet diameter below .225 inches, in the taking
2 of jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums,
3 badgers, skunks, or rodents; and

4 (3) Any person employed by the Department of Game, Fish and Parks performing animal
5 damage control may use night-vision equipment and artificial lights in the
6 performance of the person's duty. In the taking of animals causing damage the
7 employee shall obtain permission from the owner or lessee of such land.

8 For the purposes of this section, night-vision equipment is an optical device utilizing light
9 amplifying circuits that are electrical or battery powered. The provisions of this section do not
10 apply to a law enforcement officer in the performance of the officer's duty.

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