

AN ACT

ENTITLED, An Act to prohibit the use of certain equipment in hunting activities at night, to provide certain exemptions from such prohibition, and to revise a related penalty.

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

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

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

- (1) A person may use a hand held light while on foot, to take raccoons after they have been treed by dogs;
- (2) A landowner or occupant and one guest accompanied by the landowner or occupant may use an artificial light on the owner's or occupant's land, with a shotgun using shot shells only or a firearm using a .22 caliber rimfire cartridge, in the taking of jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, or rodents; and
- (3) Any person employed by the Department of Game, Fish and Parks performing animal damage control may use night-vision equipment and artificial lights in the performance of the person's duty. In the taking of animals causing damage the employee shall obtain permission from the owner or lessee of such land.

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

A violation of this section is a Class 2 misdemeanor.

Section 2. That § 41-8-18 be amended to read as follows:

41-8-18. A violation of § 41-8-2, 41-8-6, or 41-8-15 is a Class 1 misdemeanor for each prohibited act or each big game animal or any part thereof, taken, caught, killed, sold, offered, or exposed for sale, in possession or in possession with intent to sell, shipped by common carrier, or transported to any point inside or outside the state in violation of law. Upon conviction of any person for hunting or taking big game, except wild turkey, during the nighttime, during a closed season or without a license, the court shall impose a fine of not less than two hundred fifty dollars for each animal involved and that person shall be required to serve a minimum of three days in the county jail and shall have their hunting privileges revoked pursuant to §§ 41-6-74.1 and 41-6-74.2. A second or subsequent conviction of any person for hunting or taking big game, except wild turkey, during the nighttime, during a closed season, or without a license is a Class 6 felony. In addition, the court shall revoke that person's hunting privileges for a period of five years.

An Act to prohibit the use of certain equipment in hunting activities at night, to provide certain exemptions from such prohibition, and to revise a related penalty.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1023

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1023  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State