

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0313

HOUSE BILL NO. 1023

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish, and Parks

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

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

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

5 41-8-17. ~~No~~ During the time from sunset to sunrise, no person may use 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 control
9 any firearm, bow or other implement whereby any game could be killed. However, outside of the
10 Black Hills fire protection district:

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

13 (2) A landowner or occupant and one guest accompanied by the landowner or occupant
14 may use an artificial light on ~~his~~ the owner's or occupant's land, with a shotgun using
15 shot shells only or a firearm using a .22 caliber rimfire cartridge, in the taking of
16 ~~rabbits, hares~~ jackrabbits, coyotes, foxes, raccoons, opossums, badgers, skunks, or

1 rodents; and

2 (3) Any person employed by the Department of Game, Fish and Parks as performing
3 animal damage control ~~officer~~ may use night-vision equipment and artificial lights in
4 the performance of ~~his~~ the person's duty in the taking of nuisance animals on private
5 land if the person has obtained written permission from the owner or lessee of such
6 land.

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

10 A violation of this section is ~~subject to § 41-8-18~~ a Class 2 misdemeanor.

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

12 41-8-18. A violation of § 41-8-2, 41-8-6, or 41-8-15 ~~or 41-8-17~~ is a Class 1 misdemeanor
13 for each prohibited act or each big game animal or any part thereof, taken, caught, killed, sold,
14 offered, or exposed for sale, in possession or in possession with intent to sell, shipped by
15 common carrier, or transported to any point inside or outside the state in violation of law. Upon
16 conviction of any person for hunting or taking big game, except wild turkey, during the
17 nighttime, during a closed season or without a license, the court shall revoke that person's
18 hunting privileges for a period of one year, and impose a fine of not less than two hundred fifty
19 dollars for each animal involved and that person shall be required to serve a minimum of three
20 days in the county jail. A second or subsequent conviction of any person for hunting or taking
21 big game, except wild turkey, during the nighttime, during a closed season, or without a license
22 is a Class 6 felony. In addition, the court shall revoke that person's hunting privileges for a period
23 of five years.