

AN ACT

ENTITLED, An Act to revise certain provisions regarding the use of night vision equipment in hunting.

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

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

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 no more than two guests accompanied by the landowner or occupant may use an artificial light and night vision equipment on the owner's or occupant's land, with a shotgun using shot shells only or a firearm using a rimfire cartridge in the taking of jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, or rodents;
- (3) A landowner or occupant, eighteen years of age or older, and no more than two guests accompanied by the landowner or occupant may use night vision equipment on the owner's or occupant's land, with a firearm using a cartridge with a bullet diameter below .225 inches, in the taking of jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, or rodents;
- (4) A landowner or occupant, eighteen years of age or older, may issue written permission to no more than two guests who may hunt unaccompanied by the landowner or occupant.

Any unaccompanied guest may use night vision equipment on the owner's or occupant's land, with a firearm using a cartridge with a bullet diameter below .225 inches, in the taking of jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, or rodents; and

- (5) 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.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1219

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1219
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