

2022 South Dakota Legislature

Senate Bill 73**AMENDMENT 73A FOR THE INTRODUCED BILL**

1 **An Act to provide for the use of artificial light and night-vision equipment while**
 2 **hunting coyotes and other predators.**

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

4 **Section 1. That § 41-8-17 be AMENDED:**

5 **41-8-17.** Between sunset and sunrise, no person may use or possess night-vision
 6 equipment or throw or cast the rays of a spotlight, motor vehicle headlight, or other
 7 artificial light, onto a highway, or into any field, pasture, woodland, forest, or prairie, for
 8 the purpose of spotting, locating, taking, attempting to take, or hunting any animal, if the
 9 person is in possession or control of a firearm, bow, or other implement by which an
 10 animal could be killed.

11 The prohibitions set forth in this section do not apply to a law enforcement officer
 12 in the performance of the officer's duties.

13 Notwithstanding the prohibitions set forth in this section:

- 14 (1) A person may use a handheld light, while the person is on foot, ~~to take;~~
 15 (a) Take raccoons after the raccoons have been treed by dogs, or to engage;
 16 or
 17 (b) Engage in trapping activity and to take trapped fur-bearing animals;
 18 (2) A person ~~who owns or occupies land and up to two guests accompanying the person~~
 19 may use night-vision equipment but not an artificial light on public land and may
 20 use both an artificial light and night-vision equipment ~~on the person's land,~~
 21 on private land, to take jackrabbits, coyotes, beaver during its hunting season,
 22 foxes, raccoons, opossums, badgers, skunks, and rodents, provided ~~they use~~
 23 the person uses:
 24 (a) A shotgun and shotshells; or
 25 (b) A firearm and a cartridge having a bullet diameter of less than .225 inches;
 26 ~~(3) If a person who is at least eighteen years of age owns or occupies land,~~

1 ~~that person may grant permission for up to two guests to hunt~~
2 ~~unaccompanied on that person's land for jackrabbits, coyotes, beaver~~
3 ~~during its hunting season, foxes, raccoons, opossums, badgers, skunks, and~~
4 ~~rodents, and such guests may use night vision equipment, provided they~~
5 ~~use:~~

6 ~~(a) A shotgun and shotshells; or~~

7 ~~(b) A firearm and a cartridge having a bullet diameter of less than .225 inches;~~
8 ~~and~~

9 (4)(3) An employee of the Department of Game, Fish and Parks may, while performing
10 animal damage control, use night-vision equipment and artificial lights, provided
11 the employee obtains permission from the person owning or occupying the land
12 prior to taking an animal that is causing damage.

13 For purposes of this section, "the term, artificial light" means a man-made light
14 or lighting device that projects lumination for an unaided eye.

15 For purposes of this section, "the term, night-vision equipment" means an
16 electronic or battery-powered device that enhances a person's ability to see in the dark.

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