

2022 South Dakota Legislature

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

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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

12 Notwithstanding the prohibitions set forth in this section:

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

1 (3) ~~If a person who is at least eighteen years of age owns or occupies land, that person~~
2 ~~may grant permission for up to two guests to hunt unaccompanied on that person's~~
3 ~~land for~~ From January first to August thirty-first, a person may use night vision
4 equipment, but not artificial light, to take jackrabbits, coyotes, beaver during its
5 hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, and
6 ~~such guests may use night vision equipment, provided they use~~ the person is on
7 private land that is under lease to the Department of Game, Fish and Parks for the
8 purpose of providing public access, has the permission of the landowner, and uses:

9 (a) A shotgun and shot shells; or

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

11 (4) ~~A person may use night vision equipment and artificial light to take jackrabbits,~~
12 ~~coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers,~~
13 ~~skunks, and rodents, provided the person is on private land, and uses:~~

14 (a) A shotgun and shot shells; or

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

16 and

17 (4)(5) ~~An employee of the Department of Game, Fish and Parks may, while performing~~
18 ~~animal damage control, use night-vision equipment and artificial lights, provided~~
19 ~~the employee obtains permission from the person owning or occupying the land~~
20 ~~prior to taking an animal that is causing damage.~~

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

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

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