2022 South Dakota Legislature

Senate Bill 73

SENATE AGRICULTURE AND NATURAL RESOURCES ENGROSSED

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

Introduced by: ***Senator*** *Rohl*

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

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

Section 1. That § 41-8-17 be AMENDED:

41-8-17. Between sunset and sunrise, no person may use or possess night-vision equipment or throw or cast the rays of a spotlight, motor vehicle headlight, or other artificial light onto a highway, or into any field, pasture, woodland, forest, or prairie, for the purpose of spotting, locating, taking, attempting to take, or hunting any animal, if the person is in possession or control of a firearm, bow, or other implement by which an animal could be killed. The prohibitions set forth in this section do not apply to a law enforcement officer in the performance of the officer's duties.

Notwithstanding the prohibitions set forth in this section:

(1) A person may use a handheld light, while the person is on foot, to ~~take~~ :

(a) Take raccoons after the raccoons have been treed by dogs~~, or to engage~~; or

(b) Engage in trapping activity and ~~to~~ take trapped fur-bearing animals;

(2) ~~A person who owns or occupies land and up to two guests accompanying the person may use an artificial light and~~From January first to August thirty-first, inclusive, a person may use night vision equipment ~~on the person's land~~, but not artificial light, to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, provided ~~they use~~the person is on public land and uses:

(a) A shotgun and shotshells; or

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

(3) ~~If a person who is at least eighteen years of age owns or occupies land, that person may grant permission for up to two guests to hunt unaccompanied on that person's~~

~~land for~~ From January first to August thirty-first, a person may use night vision equipment, but not artificial light, to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, ~~and such guests may use night vision equipment,~~ provided ~~they use~~the person is on private land that is under lease to the Department of Game, Fish and Parks for the purpose of providing public access, has the permission of the landowner, and uses:

(a) A shotgun and shot shells; or

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

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

(a) A shotgun and shot shells; or

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

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

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

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

A violation of this section is a Class 2 misdemeanor.