AN ACT

ENTITLED, An Act to authorize the use of night vision equipment for hunting under certain conditions.

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

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

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 one guest 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; and

(3) 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.

An Act to authorize the use of night vision equipment for hunting under certain conditions.

I certify that the attached Act originated in the

SENATE as Bill No. 104

_____
Secretary of the Senate

_____
President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 104
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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