

2020 South Dakota Legislature

Senate Bill 162**AMENDMENT 162B FOR THE SENATE AGRICULTURE AND
NATURAL RESOURCES BILL**

1 **An Act to provide limitations on the use of lighting equipment while hunting.**

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

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

4 **41-8-17. Night-vision equipment and artificial light in hunting--Prohibitions--**
5 **-Exceptions--Violation as misdemeanor.**

6 ~~During the time from~~ Between sunset ~~to and~~ sunrise, no person may use or possess
7 night-vision equipment or throw or cast the rays of a spotlight, motor vehicle headlight,
8 or other artificial light ~~on any~~ onto a highway, or ~~in~~ into any field, pasture, woodland,
9 forest, or prairie, for the purpose of spotting, locating, ~~or taking or~~ attempting to take,
10 or ~~hunt~~ hunting any animal ~~while having,~~ if the person is in possession or control ~~any of a~~
11 firearm, bow, or other implement ~~whereby any game by which an animal~~ could be killed.
12 ~~However:~~ The prohibitions set forth in this section do not apply to a law enforcement officer
13 in the performance of the officer's duties.

14 Notwithstanding the prohibitions set forth in this section:

- 15 (1) A person may use a handheld light, while the person is on foot, to take raccoons
16 after they the raccoons have been treed by dogs, or to engage in trapping activity
17 and to take trapped fur-bearing animals;
- 18 (2) ~~A landowner or occupant and no more than~~ person who owns or occupies land and
19 up to two guests ~~accompanied by the landowner or occupant~~ accompanying the
20 person may use an artificial light and night vision equipment on the ~~owner's or~~
21 ~~occupant's~~ person's land, ~~with a shotgun using shot shells only or a firearm using a~~
22 ~~rimfire cartridge in the taking of~~ to take jackrabbits, coyotes, beaver during its
23 hunting season, foxes, raccoons, opossums, badgers, skunks, ~~or and~~ rodents,
24 provided they use:
- 25 (a) A shotgun and shotshells; or

1 (b) A firearm and ~~rimfire cartridges~~ a cartridge having a bullet diameter of less
 2 than .225 inches;

3 (3) ~~A landowner or occupant, eighteen years of age or older, and no more than two~~
 4 ~~guests accompanied by the landowner or occupant may use night vision equipment~~
 5 ~~on the owner's or occupant's land, with a firearm using a cartridge with a bullet~~
 6 ~~diameter below .225 inches, in the taking of jackrabbits, coyotes, beaver during its~~
 7 ~~hunting season, foxes, raccoons, opossums, badgers, skunks, or rodents;~~

8 (4) ~~A landowner or occupant,~~If a person who is at least eighteen years of age ~~or older,~~
 9 ~~owns or occupies land, that person may issue written grant permission to no more~~
 10 ~~than for up to two guests who may to~~ hunt unaccompanied ~~by the landowner or~~
 11 ~~occupant. Any unaccompanied guest may use night vision equipment on the owner's~~
 12 ~~or occupant's land, with a firearm using a cartridge with a bullet diameter below~~
 13 ~~.225 inches, in the taking of on that person's land for~~ jackrabbits, coyotes, beaver
 14 ~~during its hunting season, foxes, raccoons, opossums, badgers, skunks, or and~~
 15 ~~rodents, and such guests may use night vision equipment, provided they use:~~

16 (a) A shotgun and shot shells; or

17 (b) A firearm and ~~rimfire cartridges~~ a cartridge having a bullet diameter of less
 18 than .225 inches; and

19 (5)(4) ~~Any person employed by~~An employee of the Department of Game, Fish and Parks
 20 may, while performing animal damage control may, use night-vision equipment and
 21 ~~artificial lights in the performance of the person's duty. In the taking of animals~~
 22 ~~causing damage, provided~~ the employee ~~shall obtain~~ obtains permission from the
 23 ~~owner or lessee of such person owning or occupying the land prior to taking an~~
 24 ~~animal that is causing damage.~~

25 For the purposes of this section, ~~night vision equipment is an optical device utilizing~~
 26 ~~light amplifying circuits that are electrical or battery powered. The provisions of this~~
 27 ~~section do not apply to a law enforcement officer in the performance of the officer's duty~~
 28 "artificial light" means a man-made light or lighting device that projects lumination for an
 29 unaided eye.

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

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

33 **Section 2.** That § 41-8-17.1 be AMENDED:

1 **41-8-17.1. Spotlighting and artificial lighting--Prohibitions--Exceptions--**
2 **Violation as misdemeanor.**

3 Except as otherwise provided ~~for by the provisions of in~~ § 41-8-17, between 10
4 p.m. and sunrise, from September first to January thirty-first, inclusive, no person may
5 cast the rays of a spotlight, ~~or other any artificial light except headlights in other than a~~
6 motor vehicle headlight, into any field, pasture, woodland, forest, or prairie to spot, locate,
7 take, or attempt to take, for the purpose of spotting or locating any wild animal except to
8 take, raccoons under the provisions of § 41-8-17. It is not a violation of this section for
9 a landowner or occupant.

10 Notwithstanding the prohibitions of this section:

11 (1) A person owning or occupying land and one guest to up to two guests may use
12 night-vision equipment, a spotlight, or other artificial light, on the owner's or
13 occupant's person's land, or for any person employed by; and

14 (2) An employee of the Department of Game, Fish and Parks to may, while performing
15 the person's duty, use night vision equipment or and artificial lights while in the
16 performance of the person's duty. Any.

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

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

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