

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 58** - 02/23/2016

Introduced by: Senators Frerichs, Olson, Peterson (Jim), and Rusch and Representatives  
Werner, Gibson, May, and Schrempf

1 FOR AN ACT ENTITLED, An Act to revise certain restrictions for the use of night-vision  
2 equipment for hunting under certain conditions.

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

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

5 41-8-17. During the time from sunset to sunrise, no person may use or possess night-vision  
6 equipment or throw or cast the rays of a spotlight, headlight, or other artificial light on any  
7 highway, or in any field, pasture, woodland, forest, or prairie, for the purpose of spotting,  
8 locating, or taking or attempting to take or hunt any animal while having in possession or  
9 control any firearm, bow or other implement whereby any game could be killed. However:

10 (1) A person may use a hand held light while on foot, to take raccoons after they have  
11 been treed by dogs;

12 (2) A landowner or occupant and ~~one guest~~ no more than two guests accompanied by the  
13 landowner or occupant may use an artificial light and night vision equipment on the  
14 owner's or occupant's land, with a shotgun using shot shells only ~~or a firearm using~~



1 ~~a rimfire cartridge~~ in the taking of jackrabbits, coyotes, beaver during its hunting  
2 season, foxes, raccoons, opossums, badgers, skunks, or rodents; ~~and~~

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

8 (4) Any person employed by the Department of Game, Fish and Parks performing animal  
9 damage control may use night-vision equipment and artificial lights in the  
10 performance of the person's duty. In the taking of animals causing damage the  
11 employee shall obtain permission from the owner or lessee of such land.

12 For the purposes of this section, night-vision equipment is an optical device utilizing light  
13 amplifying circuits that are electrical or battery powered. The provisions of this section do not  
14 apply to a law enforcement officer in the performance of the officer's duty.

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