

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

462V0508

SENATE ENGROSSED NO. **SB 104** - 02/13/2014

Introduced by: Senators Frerichs, Krebs, Maher, and Tidemann and Representatives Feickert, Heinert, Peterson, Schaefer, and Werner

1 FOR AN ACT ENTITLED, An Act to authorize the use of night vision equipment for hunting
2 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 as follows:

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 accompanied by the landowner or occupant
13 may use an artificial light and night vision equipment on the owner's or occupant's
14 land, with a shotgun using shot shells only or a firearm using a ~~.22-caliber~~ rimfire
15 cartridge, in the taking of jackrabbits, coyotes, beaver during its hunting season,



1 foxes, raccoons, opossums, badgers, skunks, or rodents; and

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

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

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