

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.

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I certify that the attached Act
originated in the
SENATE as Bill No. 104

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

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

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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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