

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## SENATE BILL NO. 58

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

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 accompanied by the landowner or occupant~~  
13 no more than four guests, may use an artificial light and night vision equipment on  
14 the owner's or occupant's land, with a shotgun using shot shells only or a firearm  
15 using a ~~rimfire cartridge~~ cartridge with a bullet diameter below .225 inches, in the



1 taking of jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons,  
2 opossums, badgers, skunks, or rodents; and

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

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

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