



2020 South Dakota Legislature

Senate Bill 162

ENROLLED

AN ACT

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

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

Section 1. That § 41-8-17 be AMENDED:

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

Between sunset and sunrise, no person may use or possess night-vision equipment or throw or cast the rays of a spotlight, motor vehicle headlight, or other artificial light onto a highway, or into any field, pasture, woodland, forest, or prairie, for the purpose of spotting, locating, taking, attempting to take, or hunting any animal, if the person is in possession or control of a firearm, bow, or other implement by which an animal could be killed. The prohibitions set forth in this section do not apply to a law enforcement officer in the performance of the officer's duties.

Notwithstanding the prohibitions set forth in this section:

- (1) A person may use a handheld light, while the person is on foot, to take raccoons after the raccoons have been treed by dogs, or to engage in trapping activity and to take trapped fur-bearing animals;
- (2) A person who owns or occupies land and up to two guests accompanying the person may use an artificial light and night vision equipment on the person's land, to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, provided they use:
 - (a) A shotgun and shotshells; or
 - (b) A firearm and a cartridge having a bullet diameter of less than .225 inches;
- (3) If a person who is at least eighteen years of age owns or occupies land, that person may grant permission for up to two guests to hunt unaccompanied on that person's land for jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons,

opossums, badgers, skunks, and rodents, and such guests may use night vision equipment, provided they use:

- (a) A shotgun and shot shells; or
 - (b) A firearm and a cartridge having a bullet diameter of less than .225 inches; and
- (4) An employee of the Department of Game, Fish and Parks may, while performing animal damage control, use night-vision equipment and artificial lights, provided the employee obtains permission from the person owning or occupying the land prior to taking an animal that is causing damage.

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

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

A violation of this section is a Class 2 misdemeanor.

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

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

Except as otherwise provided in § 41-8-17, between 10 p.m. and sunrise, from September first to January thirty-first, inclusive, no person may cast the rays of a spotlight, or any artificial light other than a motor vehicle headlight, into any field, pasture, woodland, forest, or prairie, for the purpose of spotting or locating any wild animal.

Notwithstanding the prohibitions of this section:

- (1) A person owning or occupying land and up to two guests may use night-vision equipment, a spotlight, or other artificial light, on the person's land; and
- (2) An employee of the Department of Game, Fish and Parks may, while performing the person's duty, use night vision equipment and artificial lights.

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

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

A violation of this section is a Class 2 misdemeanor.

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

I certify that the attached Act originated in the:

Senate as Bill No. 162

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 162

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2020 at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2020
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State