



2020 South Dakota Legislature

Senate Bill 162

SENATE ENGROSSED

Introduced by: **Senator** Youngberg

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

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

3 **Section 1.** That § 41-8-17 be AMENDED:

4 **41-8-17. Night-vision equipment and artificial light in hunting--Prohibitions--**
 5 **-Exceptions--Violation as misdemeanor.**

6 ~~During the time from~~ Between sunset ~~to and~~ sunrise, no person may use or possess
 7 night-vision equipment or throw or cast the rays of a spotlight, motor vehicle headlight,
 8 or other artificial light ~~on any~~ onto a highway, or ~~in~~ into any field, pasture, woodland,
 9 forest, or prairie, for the purpose of spotting, locating, ~~or taking or~~ attempting to take,
 10 or ~~hunt~~ hunting any animal ~~while having~~, if the person is in possession or control ~~any of a~~
 11 firearm, bow, or other implement ~~whereby any game by which an animal~~ could be killed.
 12 ~~However:~~ The prohibitions set forth in this section do not apply to a law enforcement officer
 13 in the performance of the officer's duties.

14 Notwithstanding the prohibitions set forth in this section:

15 (1) A person may use a handheld light, while the person is on foot, to take raccoons
 16 after ~~they the raccoons~~ have been treed by dogs, or to engage in trapping activity
 17 and to take trapped fur-bearing animals;

18 (2) ~~A landowner or occupant and no more than~~ person who owns or occupies land and
 19 up to two guests accompanied by the landowner or occupant accompanying the
 20 person may use an artificial light and night vision equipment on the ~~owner's or~~
 21 ~~occupant's~~ person's land, ~~with a shotgun using shot shells only or a firearm using a~~
 22 ~~rimfire cartridge in the taking of~~ to take jackrabbits, coyotes, beaver during its
 23 hunting season, foxes, raccoons, opossums, badgers, skunks, ~~or and~~ rodents,
 24 provided they use:

25 (a) A shotgun and shotshells; or

26 (b) A firearm and a cartridge having a bullet diameter of less than .225 inches;

- (3) ~~A landowner or occupant, eighteen years of age or older, and no more than two guests accompanied by the landowner or occupant may use night vision equipment on the owner's or occupant's land, with a firearm using a cartridge with a bullet diameter below .225 inches, in the taking of jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, or rodents;~~
- (4) ~~A landowner or occupant,~~If a person who is at least eighteen years of age or older, owns or occupies land, that person may issue written grant permission to no more than for up to two guests who may to hunt unaccompanied by the landowner or occupant. Any unaccompanied guest may use night vision equipment on the owner's or occupant's land, with a firearm using a cartridge with a bullet diameter below .225 inches, in the taking of on that person's land for jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, or 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
- (5)(4) ~~Any person employed by~~An employee of the Department of Game, Fish and Parks may, while 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, provided the employee shall obtain obtains permission from the owner or lessee of such person owning or occupying the land prior to taking an animal that is causing damage.

~~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~~
"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. Spotighting and artificial lighting--Prohibitions--Exceptions--
Violation as misdemeanor.**

Except as otherwise provided ~~for by the provisions of 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 other any artificial light except headlights in other than a motor vehicle headlight, into any field, pasture, woodland, forest, or prairie ~~to spot, locate, take, or attempt to take,~~ for the purpose of spotting or locating any wild animal ~~except to take, raccoons under the provisions of § 41-8-17. It is not a violation of this section for a landowner or occupant.~~

Notwithstanding the prohibitions of this section:

(1) A person owning or occupying land and one guest to up to two guests may use night-vision equipment, a spotlight, or other artificial light, on the ~~owner's or occupant's person's~~ land, ~~or for any person employed by;~~ and

(2) An employee of the Department of Game, Fish and Parks to may, while performing the person's duty, use night vision equipment ~~or and~~ artificial lights ~~while in the performance of the person's duty. Any.~~

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.