

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

462V0508

SENATE BILL NO. 104

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 hunting of coyotes using artificial light
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 on the owner's or occupant's land, with a shotgun using
14 shot shells only or a firearm using a .22 caliber rimfire cartridge, in the taking of
15 jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums,



1 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; and

6 (4) Any person who meets the requirements of section 2 of this Act may use artificial
7 light in the taking of coyotes, raccoons, or skunks.

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

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

12 Section 2. That chapter 41-8 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any person who is sixteen years of age or older and who is licensed or authorized under this
15 title to take coyotes by hunting may use artificial light in the taking of coyotes, raccoons, or
16 skunks by hunting if the person has a permit issued pursuant to this section. A person using
17 artificial light to take coyotes under this section may use any firearm that may otherwise be used
18 to take coyotes, raccoons, or skunks during nighttime hours. The Game, Fish and Parks
19 Commission shall promulgate rules pursuant to chapter 1-26 to provide for the issuance of
20 permits to authorize the use of artificial light in taking coyotes as provided in this section. The
21 rules may require a fee not to exceed twenty dollars for each permit to be issued. The rules may
22 include restrictions on the use of artificial light during specified big game hunting seasons and
23 may regulate the types of artificial lights to be used, the number of persons in the hunting party,
24 and hunting methods and practices as necessary to protect public safety.