

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2401

Introduced by

Senators Christmann, Freborg

Representatives Clark, Kreidt, Porter

1 A BILL for an Act to amend and reenact sections 20.1-01-08 and 20.1-01-09 and subsection 3
2 of section 20.1-05-04 of the North Dakota Century Code, relating to the use of flashlights in
3 taking raccoons.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 20.1-01-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **20.1-01-08. Hunting with artificial light prohibited - Exception.** It is unlawful for ~~any~~
8 ~~person~~ an individual to pursue, shoot, kill, take or attempt to take any wildlife between sunset of
9 one day and sunrise of the next, with the aid of a spotlight or any other artificial light. This
10 section does not make it unlawful for ~~any person~~ an individual to use a lantern, spotlight, or
11 other artificial light to assist the person in pursuing and shooting on the person's premises any
12 coyote, fox, skunk, mink, raccoon, weasel, owl, rabbit, or other predatory animal or bird,
13 attacking and attempting to destroy the person's poultry, livestock, or other property. It is
14 permissible to use an artificial light with a power source of not more than ~~two cells in the~~
15 ~~aggregate of four~~ six volts while hunting afoot for raccoon during the open season on ~~such the~~
16 animal. A red or amber filter must be placed on any artificial light used in the hunting of
17 raccoon, except when taking a raccoon treed or at bay.

18 **SECTION 2. AMENDMENT.** Section 20.1-01-09 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **20.1-01-09. Types of guns lawfully usable in taking raccoon with flashlight -**
21 **Penalty.** In the killing, shooting, pursuing, taking or in attempting to take raccoon with the use
22 of a flashlight with a power source of not over ~~two cells in the aggregate of four~~ six volts, it is
23 illegal to use a rifle or handgun capable of firing a shell larger than a twenty-two caliber [5.59

1 millimeter] long rifle shell, or a shotgun larger than four-ten gauge [10.41 millimeters]. ~~Any~~
2 ~~person~~ An individual who violates this section is guilty of a class 1 noncriminal offense.

3 **SECTION 3. AMENDMENT.** Subsection 3 of section 20.1-05-04 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 3. Engage in the practice commonly known as shining for deer. ~~Any person~~ An
6 individual who shines any area commonly frequented by big game animals with
7 any artificial light, between the hours of sunset and sunrise, is in violation of this
8 section. However, ~~any person~~ an individual may use a flashlight with a power
9 source of not over ~~two cells in the aggregate of four~~ six volts to take raccoon.