



2021 South Dakota Legislature

House Bill 1204

Introduced by: **Representative Olson**

1 **An Act to revise criminal provisions regarding certain visual recordings or**
 2 **photographic devices.**

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

4 **Section 1.** That § 22-21-4 be AMENDED.

5 **22-21-4. Record--Privacy--Misdemeanor--Felony.**

6 No person may ~~use or disseminate in any form:~~

7 (1) Use any visual recording or photographic device to photograph or visually record
 8 any other person without clothing or under or through the clothing, or with another
 9 person depicted in a sexual manner, for the purpose of viewing the body of, or the
 10 undergarments worn by, that other person, without the consent or knowledge of
 11 that other person, with the intent to self-gratify, to harass, or embarrass and
 12 invade the privacy of that other person, under circumstances in which the other
 13 person has a reasonable expectation of privacy; ~~or~~

14 (2) Use, disclose, or disseminate, by any means, any recording or photograph in
 15 violation of subdivision (1), in order to self-gratify, to harass, or to embarrass and
 16 invade the privacy of that other person.

17 A violation of this section is a Class 1 misdemeanor. However, a violation of this
 18 section is a Class 6 felony if the victim is seventeen years of age or younger and the
 19 perpetrator is at least twenty-one years of age at the time the photograph or recording is
 20 made.