



2022 South Dakota Legislature  
**Senate Bill 120**  
**ENROLLED**

AN ACT

**ENTITLED An Act to include intentionally manipulated images or recordings in the crime of invasion of privacy by recording.**

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

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

**22-21-4.** No person may:

- (1) Use any device to photograph or visually record:
  - (a) Any other person without clothing or under or through the clothing, or with another person depicted in a sexual act, for the purpose of viewing the body of, or the undergarments worn by, that other person;
  - (b) Without the consent or knowledge of that other person; and
  - (c) With the intent to self-gratify, to harass, or embarrass and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy;
- (2) Use, disclose, or disseminate, by any means, any recording or photograph in violation of subdivision (1), in order to self-gratify, to harass, or to embarrass and invade the privacy of that other person; or
- (3) Knowingly and intentionally disseminate or sell any image or recording of another person:
  - (a) That has been intentionally manipulated to create a realistic but false image or recording that would cause a reasonable person to mistakenly believe that the image or recording is authentic;
  - (b) That depicts the person as totally nude; in a state of undress to expose the genitals, pubic area, buttocks, or female breast; or with another person in a sexual act;
  - (c) Without the consent or knowledge of the person whose image is depicted; and

- (d) With the intent to self-gratify, to harass, or embarrass and invade the privacy of the person whose image is depicted.

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

An Act to include intentionally manipulated images or recordings in the crime of invasion of privacy by recording.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 120

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2022 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2022

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2022  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 120  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State