



2026 South Dakota Legislature

House Bill 1280

Introduced by: **Representative Jorgenson**

1 **An Act to prohibit drone surveillance of state military installations, to provide a**
 2 **penalty therefor, and to authorize law enforcement to intercept or disable any**
 3 **drone or small unmanned aircraft threatening public safety.**

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

5 **Section 1. That a NEW SECTION be added to chapter 50-15:**

6 No person may use a drone, small unmanned aircraft, or small unmanned aircraft
 7 system, as defined in § 50-1-1, to conduct surveillance of, interfere with the operation of,
 8 or photographically or electronically record a state military installation, facility, aircraft,
 9 military vehicle, or weapons system, without obtaining prior written consent from the
 10 military installation or facility commander.

11 A violation of this section is a Class 6 felony.

12 **Section 2. That a NEW SECTION be added to chapter 50-15:**

13 If a law enforcement officer suspects that a drone, small unmanned aircraft, or
 14 small unmanned aircraft system, as defined in § 50-1-1, is engaged in any of the activities
 15 prohibited in §§ 50-15-3 to 50-15-5.1, inclusive, and section 1 of this Act, the officer may
 16 take reasonable and necessary mitigation measures to protect public safety. A law
 17 enforcement officer may intercept or disable the drone or small unmanned aircraft by:

- 18 (1) Jamming;
 19 (2) Hacking; or
 20 (3) Physical capture.

21 No law enforcement officer may use a firearm to disable a drone or small unmanned
 22 aircraft.

23 A law enforcement officer may act pursuant to this section only if there is
 24 reasonable suspicion that a drone or small unmanned aircraft is an imminent threat to
 25 public safety, or is otherwise in violation of state or federal law.

1 In addition to the penalty set forth for any offense under §§ 50-15-3 to 50-15-5.1,
2 inclusive, a court may order the forfeiture, destruction, sale, or other disposition of any
3 drone, small unmanned aircraft, or small unmanned aircraft system intercepted, disabled
4 or captured pursuant to this section, under the process set forth in chapter 23A-49.