



2020 South Dakota Legislature

House Bill 1065

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative** David Johnson

1 **An Act to revise drone surveillance protections.**

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

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

4 **22-21-1. Trespassing--Eavesdropping--Invasion of Privacy--Drones--**
 5 **Exemptions--Violation as misdemeanor.**

6 Any ~~No~~ person ~~who may~~, except as authorized by law:

- 7 (1) ~~Trespasses-Trespass~~ on property with intent to subject anyone to eavesdropping or
 8 other surveillance in a private place;
- 9 (2) ~~Installs-Install~~ in any private place, without the consent of the person or persons
 10 entitled to privacy there, any device for observing, photographing, recording,
 11 amplifying, or broadcasting sounds or events in such place, or uses any such
 12 unauthorized installation;
- 13 (3) ~~Intentionally uses a drone to photograph, record, or otherwise observe another~~
 14 ~~person in a private place where the person has a reasonable expectation of privacy~~
 15 use a drone, unless for a bona fide business or government purpose, for aerial
 16 surveillance, observation, technological imaging, photography, videography or any
 17 other type of sensory recording to gather, collect, disseminate, or retain data of
 18 persons, homes, businesses, or properties, where there is a reasonable expectation
 19 of privacy, without the written consent from the person, the property owner, or the
 20 manager; or
- 21 (4) ~~Lands-Land~~ a drone on the lands or waters of another resident provided the resident
 22 owns the land beneath the water body in its entirety without the owner's consent,
 23 except in the case of forced landing and the owner or lessee of the drone will be
 24 liable for any damage resulting from a forced landing;

25 A person who violates this section is guilty of a Class 1 misdemeanor. Subdivisions

26 (2) and (3) do not apply to law enforcement officers, or to those acting under the direction

1 of a law enforcement officer, while engaged in the performance of the officer's lawful
2 duties. These restrictions do not apply to a ~~drone operator operating a drone for~~
3 ~~commercial or agricultural purposes pursuant to or in compliance with federal aviation~~
4 ~~administration regulations, authorizations, and exemptions nor do they apply to an~~
5 designated emergency management worker operating a drone within the scope of the
6 worker's duties.