



2020 South Dakota Legislature
House Bill 1065
ENROLLED

AN ACT

ENTITLED An Act to revise drone surveillance protections.

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

Section 1. That § 22-21-1 be AMENDED:

22-21-1. Eavesdropping--Privacy--Violation as misdemeanor--Exemptions.

No person may, except as authorized by law:

- (1) Trespass on property with intent to subject anyone to eavesdropping or other surveillance in a private place;
- (2) Install in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in such place, or uses any such unauthorized installation;
- (3) Intentionally use a drone to photograph, record, or otherwise observe another person in a private place where the person has a reasonable expectation of privacy;
or
- (4) Land a drone on the lands or waters of another resident provided the resident owns the land beneath the water body in its entirety without the owner's consent, except in the case of forced landing and the owner or lessee of the drone will be liable for any damage resulting from a forced landing.

A person who violates this section is guilty of a Class 1 misdemeanor. Subdivisions (2) and (3) do not apply to law enforcement officers, or to those acting under the direction of a law enforcement officer, while engaged in the performance of the officer's lawful duties. Subdivisions (3) and (4) do not apply to a drone operator operating a drone for bona fide business or bona fide government purposes who unintentionally or incidentally photographs, records, or otherwise observes another person in a private place, nor do they apply to a designated emergency management worker operating a drone within the scope of the worker's duties.

An Act to revise drone surveillance protections.

I certify that the attached Act originated in the:

House as Bill No. 1065

Received at this Executive Office
this ____ day of _____,
2020 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2020
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1065
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State