



## 2021 South Dakota Legislature

# Senate Bill 74

Introduced by: **Senator David Johnson**

1 **An Act to revise certain provisions regarding drones.**

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. Eavesdropping--Privacy--Misdemeanor.**

5 No person may, except as authorized by law:

6 (1) Trespass on property with intent to subject anyone to eavesdropping or other  
7 surveillance in a private place; or

8 (2) Install in any private place, without the consent of the person or persons entitled  
9 to privacy there, any device for observing, photographing, recording, amplifying, or  
10 broadcasting sounds or events in such place, or uses any such unauthorized  
11 installation;

12 ~~(3) Intentionally use a drone to photograph, record, or otherwise observe another~~  
13 ~~person in a private place where the person has a reasonable expectation of privacy;~~  
14 ~~or~~

15 ~~(4) Land a drone on the lands or waters of another resident provided the resident owns~~  
16 ~~the land beneath the water body in its entirety without the owner's consent, except~~  
17 ~~in the case of forced landing and the owner or lessee of the drone will be liable for~~  
18 ~~any damage resulting from a forced landing.~~

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

1 **Section 2.** That a NEW SECTION be added:

2 **50-15-5. Eavesdropping--Violation of privacy--Misdemeanor.**

3 No person may, except as authorized by law, intentionally use a drone to  
4 photograph, record, or otherwise observe another person in a private place where the  
5 person has a reasonable expectation of privacy. A person who violates this section is guilty  
6 of a Class 1 misdemeanor.

7 This section does not apply to:

- 8 (1) Law enforcement officers, or to those acting under the direction of a law  
9 enforcement officer, while engaged in the performance of the officer's lawful  
10 duties;  
11 (2) A drone operator operating a drone for bona fide business or bona fide government  
12 purposes who unintentionally or incidentally photographs, records, or otherwise  
13 observes another person in a private place; or  
14 (3) A designated emergency management worker operating a drone within the scope  
15 of the worker's duties.

16 **Section 3.** That a NEW SECTION be added:

17 **50-15-6. Trespassing--Drone--Misdemeanor.**

18 No person may, except as authorized by law, land a drone on the lands or waters  
19 of another resident if that resident owns the land beneath the water body in its entirety  
20 without the owner's consent. In the case of forced landing, the owner or lessee of the  
21 drone is liable for any damage resulting from a forced landing. A person who violates this  
22 section is guilty of a Class 1 misdemeanor.