



2021 South Dakota Legislature  
**House Bill 1204**  
**ENROLLED**

AN ACT

**ENTITLED An Act to revise criminal provisions regarding certain visual recordings or photographic devices.**

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

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

**22-21-4. Record--Privacy--Misdemeanor--Felony.**

No person may:

- (1) Use any device to photograph or visually record any other person without clothing or under or through the clothing, or with another person depicted in a sexual manner, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, 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; or
- (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.

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 revise criminal provisions regarding certain visual recordings or photographic devices.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1204

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2021 at \_\_\_\_\_ M.

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

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

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

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2021

Attest:

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

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

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

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_ M.

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

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

House Bill No. 1204  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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