

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE JUDICIARY ENGROSSED NO. **HB 1243** 02/17/2016

Introduced by: Representatives Gibson, Deutsch, Hawks, Holmes, Johns, Langer, Latterell, McCleerey, Soli, Stevens, and Tulson and Senators Buhl O'Donnell, Bradford, Hunhoff (Bernie), Parsley, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to prohibit the unauthorized sharing of certain private
2 images on the internet.

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

4 Section 1. That § 22-21-4 be amended to read:

5 22-21-4. No person may use or disseminate in any form any visual recording or
6 photographic device to photograph or visually record any other person without clothing or under
7 or through the clothing, or with another person depicted in a sexual manner, for the purpose of
8 viewing the body of, or the undergarments worn by, that other person, without the consent or
9 knowledge of that other person, with the intent to self-gratify, to harass, or embarrass and invade
10 the privacy of that other person, under circumstances in which the other person has a reasonable
11 expectation of privacy. A violation of this section is a Class 1 misdemeanor. However, a
12 violation of this section is a Class 6 felony if the victim is seventeen years of age or younger and
13 the perpetrator is at least twenty-one years old.

14 Section 2. That chapter 22-21 be amended by adding a NEW SECTION to read:



1 Nothing in this Act shall be construed to impose liability on a provider of an electronic
2 communication service, an information service, a mobile service, including a commercial
3 mobile service, a telecommunication service, an interactive computer service, or a cable service
4 as those terms are defined under federal law.