



## 2020 South Dakota Legislature

# House Bill 1065

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. Eavesdropping--Privacy--Violation as misdemeanor--Exemptions.**

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

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

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

12 (3) ~~Intentionally uses 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 Use a drone for aerial surveillance, observation, technological imaging,  
15 photography, videography or any other type of sensory recording to gather, collect,  
16 disseminate, or retain data of persons, homes, businesses, or properties, where  
17 there is a reasonable expectation of privacy, without the written consent from the  
18 person, the property owner, or the manager; or

19 (4) ~~Lands-Land~~ a drone on the lands or waters of another resident provided the resident  
20 owns the land beneath the water body in its entirety without the owner's consent,  
21 except in the case of forced landing and the owner or lessee of the drone will be  
22 liable for any damage resulting from a forced landing~~;~~

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

24 (2) and (3) do not apply to law enforcement officers, or to those acting under the direction  
25 of a law enforcement officer, while engaged in the performance of the officer's lawful  
26 duties. These restrictions do not apply to a ~~drone operator operating a drone for~~

1 ~~commercial or agricultural purposes pursuant to or in compliance with federal aviation~~  
2 ~~administration regulations, authorizations, and exemptions nor do they apply to an~~  
3 designated emergency management worker operating a drone within the scope of the  
4 worker's duties.