



## 2020 South Dakota Legislature

# House Bill 1065

SENATE ENGROSSED

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~~ 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) ~~Lands-Land~~ a drone on the lands or waters of another resident provided the resident  
16 owns the land beneath the water body in its entirety without the owner's consent,  
17 except in the case of forced landing and the owner or lessee of the drone will be  
18 liable for 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 not apply to law enforcement officers, or to those acting under the direction  
21 of a law enforcement officer, while engaged in the performance of the officer's lawful  
22 duties. These restrictions-Subdivisions (3) and (4) do not apply to a drone operator  
23 operating a drone for-commercial or agricultural-bona fide business or bona fide  
24 government purposes-pursuant to or in compliance with federal aviation administration  
25 regulations, authorizations, and exemptions who unintentionally or incidentally  
26 photographs, records, or otherwise observes another person in a private place, nor do

- 1 they apply to ~~an~~ a designated emergency management worker operating a drone within
- 2 the scope of the worker's duties.