

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

817Y0334

SENATE ENGROSSED NO. **SB 80** - 2/15/2017

Introduced by: Senators Rusch, Bolin, Greenfield (Brock), Haverly, Heinert, Kennedy, Maher, Nesiba, Novstrup, Otten (Ernie), Soholt, Solano, White, Wiik, and Youngberg and Representatives Tieszen, Bartling, Hagggar, Hawley, Johns, Lesmeister, Lust, McCleerey, Rasmussen, Ring, Willadsen, and Zikmund

1 FOR AN ACT ENTITLED, An Act to regulate the use of drones under certain conditions and  
2 to provide a penalty therefor.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 For purposes of this Act, the term, drone, means a powered, aerial vehicle that does not carry  
6 a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or  
7 be piloted remotely. The vehicle may be expendable or recoverable.

8 Section 2. That the code be amended by adding a NEW SECTION to read:

9 Any operation of a drone in the state shall comply with all applicable federal aviation  
10 administration requirements. Any drone operating under the authority of the Armed Forces of  
11 the United States, including the National Guard, is exempt from this Act.

12 The restrictions of sections 4 to 5, inclusive, do not apply to a drone operator operating a  
13 drone for commercial purposes pursuant to and in compliance with federal aviation  
14 administration regulations, authorizations, and exemptions.



1 Section 3. That the code be amended by adding a NEW SECTION to read:

2 No person may operate a drone over the grounds of a prison, correctional facility, jail,  
3 juvenile detention facility, airport, or any military facility unless expressly authorized by the  
4 administrator thereof. A violation of this section is a Class 1 misdemeanor.

5 Section 4. That the code be amended by adding a NEW SECTION to read:

6 The landing of a drone on the lands or waters of another, without the owner's consent, is  
7 unlawful, except in the case of a forced landing. However, the owner or lessee of the drone is  
8 liable for any damages resulting from a forced landing.

9 Section 5. That § 22-21-1 be amended to read:

10 22-21-1. Any person who, except as authorized by law:

11 (1) Trespasses on property with intent to subject anyone to eavesdropping or other  
12 surveillance in a private place; ~~or~~

13 (2) Installs in any private place, without the consent of the person or persons entitled to  
14 privacy there, any device for observing, photographing, recording, amplifying, or  
15 broadcasting sounds or events in such place, or uses any such unauthorized  
16 installation; or

17 (3) Uses a drone to photograph, record, or otherwise observe another person in a private  
18 place where the person has a reasonable expectation of privacy;

19 is guilty of a Class 1 misdemeanor. ~~Subdivision~~ Subdivisions (2) and (3) shall not apply to law  
20 enforcement officers, or to those acting under ~~their~~ the direction of a law enforcement officer,  
21 while engaged in the performance of their lawful duties.

22 Section 6. That the code be amended by adding a NEW SECTION to read:

23 Any person who uses a drone to deliver contraband or controlled substances to a state prison  
24 or other correctional facility is guilty of a Class 6 felony in addition to the penalty for the

1 principal offense.

2 Section 7. That the code be amended by adding a NEW SECTION to read:

3 Except for authorized law enforcement or any military purposes, including the lawful  
4 manufacture, repair, or refurbishment as of a legitimate contract with authorized law  
5 enforcement or military, any person who sells, transports, manufactures, possesses, or operates  
6 any drone capable of firing a bullet or projectile or otherwise be used as a weapon or avenue to  
7 inflict harm or damage to any person or property is guilty of a Class 5 felony.