

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

400S0278

## SENATE JUDICIARY ENGROSSED NO. **SB 35** - 1/27/2011

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney  
General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crime of taking  
2 pictures without consent and to provide for a felony penalty under certain circumstances.

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

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

5 22-21-4. No person may use ~~a concealed camcorder, motion picture camera, or photographic~~  
6 ~~camera of any type, to secretly videotape, film, photograph, or record by electronic means, any~~  
7 ~~other person without clothing, or any other person under or through the clothing being worn by~~  
8 ~~that other person, for the purpose of viewing the body of, or the undergarments worn by, that~~  
9 ~~other person, without the consent or knowledge of that other person, with the intent to arouse,~~  
10 ~~appeal to, or gratify the lust, passions, or sexual desires of that person~~ any visual recording or  
11 photographic device to photograph or visually record any other person without clothing or under  
12 or through the clothing, for the purpose of viewing the body of, or the undergarments worn by,  
13 that other person, without the consent or knowledge of that other person, with the intent to self-  
14 gratify, to harass, or embarrass and invade the privacy of that other person, under circumstances



1 in which the other person has a reasonable expectation of privacy. A violation of this section  
2 is a Class 1 misdemeanor. However, a violation of this section is a Class 6 felony if the victim  
3 is seventeen years of age or younger and the perpetrator is at least twenty-one years old.