

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0278

HOUSE ENGROSSED NO. **SB 35** - 3/7/2011

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 or disseminating pictures without consent and to provide for a felony penalty under certain
3 circumstances.

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

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

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



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