



2021 South Dakota Legislature  
**Senate Bill 74**  
**ENROLLED**

AN ACT

**ENTITLED An Act to revise certain provisions regarding drones.**

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

**Section 1.** That § 22-21-1 be AMENDED.

**22-21-1. Eavesdropping--Privacy--Misdemeanor.**

No person may, except as authorized by law:

- (1) Trespass on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
- (2) Install in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in such place, or uses any such unauthorized installation.

A person who violates this section is guilty of a Class 1 misdemeanor. Subdivision (2) does not apply to law enforcement officers, or to those acting under the direction of a law enforcement officer, while engaged in the performance of the officer's lawful duties.

**Section 2.** That a NEW SECTION be added:

**50-15-5. Eavesdropping--Violation of privacy--Misdemeanor.**

No person may, except as authorized by law, intentionally use a drone to photograph, record, or otherwise observe another person in a private place where the person has a reasonable expectation of privacy. A person who violates this section is guilty of a Class 1 misdemeanor.

This section does not apply to:

- (1) Law enforcement officers, or to those acting under the direction of a law enforcement officer, while engaged in the performance of the officer's lawful duties;

- (2) A drone operator operating a drone for bona fide business or bona fide government purposes who unintentionally or incidentally photographs, records, or otherwise observes another person in a private place; or
- (3) A designated emergency management worker operating a drone within the scope of the worker's duties.

**Section 3.** That a NEW SECTION be added:

**50-15-6. Trespassing--Drone--Misdemeanor.**

No person may, except as authorized by law, land a drone on the real property or the waters of a landowner who owns the real property beneath the water body, without the landowner's consent. It is an affirmative defense if the landing was a forced landing, but in the case of forced landing, the owner or lessee of the drone remains liable for any damage resulting from a forced landing. A person who violates this section is guilty of a Class 1 misdemeanor.

An Act to revise certain provisions regarding drones.

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I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 74

2021 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 74  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State