An Agricultural Law Research Project

States’ Unmanned Aerial Vehicle Laws
Trespass, Harassment, or Violation of Privacy
South Dakota

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STATE OF SOUTH DAKOTA

SD ST § 22-21-1

Current through April 5, 2020

SD ST § 22-21-1 Trespassing to Eavesdrop – Installation or Use of Unauthorized Eavesdropping Device – Drones

Any person who, except as authorized by law:

(1) Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place;
(2) Installs 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;
(3) Intentionally uses a drone to photograph, record, or otherwise observe another person in a private place where the person has a reasonable expectation of privacy; or
(4) Lands a drone on the lands or waters of another resident provided the resident owns the land beneath the water body in its entirety without the owner’s consent, except in the case of forced landing and the owner or lessee of the drone will be liable for any damage resulting from a forced landing; is guilty of a Class 1 misdemeanor. Subdivisions (2) and (3) do 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. These restrictions do not apply to a drone operator operating a drone for commercial or agricultural purposes pursuant to or in compliance with federal aviation administration regulations, authorizations, and exemptions nor do they apply to an emergency management worker operating a drone within the scope of the worker’s duties.