

AN ACT

ENTITLED, An Act to regulate the use of drones under certain conditions and to provide a penalty therefor.

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

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

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

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

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

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

No person may operate a drone over the grounds of a prison, correctional facility, jail, juvenile detention facility, or any military facility unless expressly authorized by the administrator thereof.

A violation of this section is a Class 1 misdemeanor.

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

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

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

22-21-1. 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.

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I certify that the attached Act
originated in the

SENATE as Bill No. 80

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 80
File No.
Chapter No.

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Received at this Executive Office
this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____ , 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State