Introduced by: Representatives Gibson, Deutsch, Hawks, Holmes, Johns, Langer, Latterell, McCleerey, Soli, Stevens, and Tulson and Senators Buhl O'Donnell, Bradford, Hunhoff (Bernie), Parsley, and Peterson (Jim)

FOR AN ACT ENTITLED, An Act to prohibit the unauthorized sharing of certain private images on the internet.

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

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

22-21-4. No person may use or disseminate any visual recording or photographic device to photograph or visually record any other person without clothing or under or through the clothing, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to self-gratify, to harass, or embarrass and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. No person may electronically disseminate a visual recording or photograph of another person without clothing or under or through the clothing of the person, or with the person depicted in a sexual manner, without the consent of that other person. A violation of this section is a Class 1 misdemeanor. However, a violation of this section is a Class 6 felony if the victim is seventeen years of age or younger and
the perpetrator is at least twenty-one years old.