

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE BILL NO. 1243

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)

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

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

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

5 22-21-4. No person may use or disseminate any visual recording or photographic device to
6 photograph or visually record any other person without clothing or under or through the
7 clothing, for the purpose of viewing the body of, or the undergarments worn by, that other
8 person, without the consent or knowledge of that other person, with the intent to self-gratify, to
9 harass, or embarrass and invade the privacy of that other person, under circumstances in which
10 the other person has a reasonable expectation of privacy. No person may electronically
11 disseminate a visual recording or photograph of another person without clothing or under or
12 through the clothing of the person, or with the person depicted in a sexual manner, without the
13 consent of that other person. A violation of this section is a Class 1 misdemeanor. However, a
14 violation of this section is a Class 6 felony if the victim is seventeen years of age or younger and



1 the perpetrator is at least twenty-one years old.