
A BILL FOR AN ACT

RELATING TO UNMANNED AIRCRAFT SYSTEMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the use of unmanned
2 aircraft systems by law enforcement and private entities for
3 surveillance and data collection has increased in recent years.
4 The legislature further finds that this rapidly changing
5 technology has positive uses in public safety; however, it
6 remains important to uphold and protect the privacy rights of
7 individuals and their freedom from unwarranted surveillance.

8 The purpose of this Act is to prescribe limits on the uses
9 of unmanned aircraft systems by law enforcement agencies and
10 private entities.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 "CHAPTER

15 UNMANNED AIRCRAFT SYSTEMS

16 § -1 **Definitions.** As used in this chapter:

17 "Unmanned aircraft system" means a powered aerial vehicle
18 that:



- 1 (1) Does not carry a human operator;
 - 2 (2) Uses aerodynamic forces to provide vehicle lift;
 - 3 (3) Can fly autonomously or be piloted remotely;
 - 4 (4) Can be expendable or recoverable; and
 - 5 (5) Can carry a lethal or nonlethal payload;
- 6 provided that the term shall not include model flying airplanes
7 or rockets, including those that are radio controlled or
8 otherwise remotely controlled and that are used purely for sport
9 or recreational purposes.

10 "Law enforcement agency" means any county police
11 department, the department of public safety, and any state or
12 county public body that employs law enforcement officers.

13 § -2 **Prohibited use of unmanned aircraft systems by law**
14 **enforcement agency; exceptions.** (a) No law enforcement agency
15 shall use an unmanned aircraft system to gather evidence or
16 other information pertaining to criminal conduct or conduct in
17 violation of a statute, ordinance, or administrative rule
18 without a search warrant authorizing use of the unmanned
19 aircraft system.

20 (b) A law enforcement agency may use an unmanned aircraft
21 system to conduct surveillance or observation without a search



1 warrant if the law enforcement agency determines that the use of
2 an unmanned aircraft system is necessary to:

3 (1) Prevent imminent danger to life or serious damage to
4 property;

5 (2) Prevent the imminent escape of a suspect or
6 destruction of evidence;

7 (3) Facilitate the search for or rescue of a missing
8 person; or

9 (4) Conduct training exercises for any of the purposes in
10 paragraphs (1) to (4).

11 (c) No information obtained or collected in violation of
12 this section shall be admissible as evidence in a criminal
13 prosecution in any court of law of this State.

14 (d) In no case may a weaponized unmanned aircraft system
15 be deployed or its use facilitated by a law enforcement agency
16 in the State.

17 § -3 Prohibited use of unmanned aircraft systems by
18 private entities; civil action. (a) No private entity shall
19 use an unmanned aircraft system to:

20 (1) Conduct surveillance or observation of:



1 (A) An individual or a dwelling owned by an
2 individual without the individual's written
3 consent; or

4 (B) A farm, dairy, ranch, or other agricultural
5 industry facility without the written consent of
6 the owner; or

7 (2) Photograph an individual, without the individual's
8 written consent, for the purpose of publishing or
9 otherwise publicly distributing the photograph.

10 (b) Nothing in this section shall be construed to prohibit
11 the use of an unmanned aircraft system for the purpose of taking
12 photographs of gatherings of the public on public or private
13 lands.

14 (c) Any person who is the subject of surveillance or
15 observation or who is photographed in violation of this section
16 shall have a civil cause of action against the law enforcement
17 agency or private entity that conducted the surveillance or
18 observation or that used an unmanned aircraft system to
19 photograph the person for the purposes of publishing or
20 otherwise publicly distributing the photograph."



H.B. NO. 1561

1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY:

Cindy Evans

JAN 09 2014



H.B. NO. 1561

Report Title:

Unmanned Aircraft Systems; Restrictions on Use

Description:

Prohibits the use of unmanned aircraft systems by law enforcement to gather evidence. Restricts the uses of unmanned aircraft systems by private entities.

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