
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 unmanned aircraft
2 systems are emerging technologies that have the potential to
3 transform America by providing wide ranging economic,
4 environmental, safety, and security benefits. However, along
5 with these benefits come concerns about individual privacy.
6 While there is an existing body of federal, state, and local law
7 relating to privacy, the question arises whether existing law is
8 adequate to alleviate the concerns of state legislators and
9 citizens regarding privacy rights in light of this new
10 technology.

11 The purpose of this Act is to adopt the recommendations of
12 the Aerospace States Association, the Council of State
13 Governments, and the National Conference of State Legislatures
14 regarding privacy considerations arising from the emergence of
15 unmanned aircraft systems.

16 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:



1 "§52D- International Association of Chiefs of Police
2 Aviation Committee; unmanned aircraft systems guidelines. The
3 chief of police shall implement the International Association of
4 Chiefs of Police Aviation Committee's "Recommended Guidelines for
5 the use of Unmanned Aircraft."

6 SECTION 3. Chapter 263, Hawaii Revised Statutes, is
7 amended by adding two new sections to be appropriately
8 designated and to read as follows:

9 "§263-A Operating an unmanned aircraft system or model
10 aircraft so as to cause a nuisance; penalty. (a) It shall be
11 unlawful for any person to operate an unmanned aircraft system or
12 model aircraft across or above the State in a manner that
13 constitutes a nuisance to either the public, a person, or the
14 property of a person. For the purposes of this section,
15 "nuisance" shall have the same meaning as defined in section 165-
16 2.

17 (b) Any person violating this section shall be guilty of a
18 misdemeanor and shall punishable by a fine of not more than
19 \$1,000, imprisonment for not more than one year, or both.

20 §263-B Firearm aboard unmanned aircraft system used for
21 commercial purposes; prohibited; penalty. (a) It shall be
22 unlawful for any person to install or carry any firearm aboard



1 an unmanned aircraft system that is used for commercial purposes
2 and is flown across or above the State.

3 (b) Any person violating this section shall be guilty of a
4 class C felony.

5 (c) As used in this section, "firearm" shall have the same
6 meaning as in section 134-1."

7 SECTION 4. Section 711-1111, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsection (1) to read as follows:

10 "(1) A person commits the offense of violation of privacy
11 in the second degree if, except in the execution of a public
12 duty or as authorized by law, the person intentionally:

13 (a) Trespasses on property for the purpose of subjecting
14 anyone to eavesdropping or other surveillance in a
15 private place;

16 (b) Peers or peeps into a window or other opening of a
17 dwelling or other structure adapted for sojourn or
18 overnight accommodations for the purpose of spying on
19 the occupant thereof or invading the privacy of
20 another person with a lewd or unlawful purpose, under
21 circumstances in which a reasonable person in the



- 1 dwelling or other structure would not expect to be
2 observed;
- 3 (c) Trespasses on property for the sexual gratification of
4 the actor;
- 5 (d) Installs or uses, or both, in any private place,
6 without consent of the person or persons entitled to
7 privacy therein, any means or device for observing,
8 recording, amplifying, or broadcasting sounds or
9 events in that place other than another person in a
10 stage of undress or sexual activity;
- 11 (e) Installs or uses outside a private place any device
12 for hearing, recording, amplifying, or broadcasting
13 sounds originating in that place which would not
14 ordinarily be audible or comprehensible outside,
15 without the consent of the person or persons entitled
16 to privacy therein;
- 17 (f) Covertly records or broadcasts an image of another
18 person's intimate area underneath clothing, by use of
19 any device, and that image is taken while that person
20 is in a public place and without that person's
21 consent;



1 (g) Intercepts, without the consent of the sender or
2 receiver, a message or photographic image by
3 telephone, telegraph, letter, electronic transmission,
4 or other means of communicating privately; but this
5 paragraph does not apply to:

6 (i) Overhearing of messages through a regularly
7 installed instrument on a telephone party line or
8 an extension; or

9 (ii) Interception by the telephone company, electronic
10 mail account provider, or telephone or electronic
11 mail subscriber incident to enforcement of
12 regulations limiting use of the facilities or
13 incident to other operation and use;

14 (h) Divulges, without the consent of the sender or the
15 receiver, the existence or contents of any message or
16 photographic image by telephone, telegraph, letter,
17 electronic transmission, or other means of
18 communicating privately, if the accused knows that the
19 message or photographic image was unlawfully
20 intercepted or if the accused learned of the message
21 or photographic image in the course of employment with
22 an agency engaged in transmitting it; [œ]



1 (i) Knowingly possesses materials created under
2 circumstances prohibited in section 711-1110.9[-]; or
3 (j) Uses a model aircraft or an unmanned aircraft system
4 operated for commercial or business purposes to
5 violate the provisions of this section or to track or
6 record a specific, identifiable person without that
7 person's consent."

8 2. By amending subsection (3) by adding three new
9 definitions to be appropriately inserted and to read as follows:

10 "Model aircraft" means an unmanned aircraft that is:

11 (a) Capable of sustained flight in the atmosphere;

12 (b) Flown within visual line of sight of the person
13 operating the aircraft; and

14 (c) Flown for hobby or recreational purposes.

15 "Unmanned aircraft" means an aircraft that is operated
16 without the possibility of direct human intervention from within
17 or on the aircraft.

18 "Unmanned aircraft system" means an unmanned aircraft and
19 associated elements, including communication links and
20 components that control the unmanned aircraft and are required
21 for the pilot in command to operate safely and efficiently in
22 the national airspace system."



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1 SECTION 5. 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.

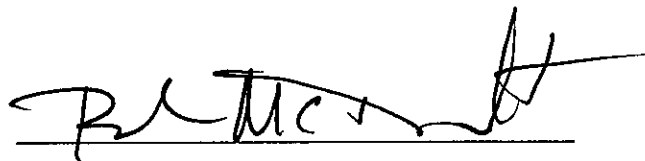
4 SECTION 6. In codifying the new sections added by section
5 3 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 7. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect upon its approval.

11

INTRODUCED BY:



JAN 13 2014



H.B. NO. 1657

Report Title:

Unmanned Aircraft Systems; Privacy

Description:

Establishes restrictions on the uses of unmanned aircraft systems. Makes the use of an unmanned aircraft system to violate privacy a criminal offense.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

