



1 (1) Model flying airplanes or rockets, including those  
2 that are radio controlled or otherwise remotely  
3 controlled and that are used purely for sport or  
4 recreational purposes, except when fitted with an  
5 active recording device;

6 (2) Any unmanned aircraft system used by a state or county  
7 agency for the purpose of mapping or resource  
8 management; or

9 (3) Satellites.

10 § -2 Prohibited use of unmanned aircraft systems;

11 exceptions. (a) No law enforcement agency, person, entity, or  
12 state or county public body shall use an unmanned aircraft  
13 system to gather evidence or other information, including sound  
14 waves, images, or any recordings thereof, from any person or any  
15 person's property, including proprietary information, except as  
16 provided in subsection (b).

17 (b) This section shall not prohibit the use of an unmanned  
18 aircraft system:

19 (1) To counter a high risk of a terrorist attack as  
20 determined by the United States Secretary of Homeland  
21 Security based upon credible intelligence;



- 1           (2) Pursuant to a search warrant obtained by a law  
2           enforcement agency and signed by a judge authorizing  
3           the use of an unmanned aircraft system;
- 4           (3) In accordance with judicially recognized exceptions to  
5           the requirement of a search warrant;
- 6           (4) In response to the determination of a law enforcement  
7           agency that swift action is needed to:
- 8                 (A) Prevent imminent danger to life or serious damage  
9                 to property;
- 10                (B) Forestall the imminent escape of a suspect or the  
11                destruction of evidence; or
- 12                (C) Facilitate the search for a missing person;
- 13           (5) With the prior written consent of any person or entity  
14           from whom evidence or other information would be  
15           gathered through the use of an unmanned aircraft  
16           system; provided that any consent provided under this  
17           paragraph shall not be deemed to exempt any violations  
18           of this section committed against any party other than  
19           the party providing consent;
- 20           (6) By a state or county public body for the purpose of  
21           mapping or resource management;



1 (7) In airspace designated as a test site or range of the  
2 Federal Aviation Administration for training purposes;  
3 or

4 (8) As part of any operation, exercise, or mission of any  
5 branch of the United States military.

6 § -3 **Civil remedies for violations.** Any person  
7 aggrieved by a violation of this chapter may initiate a civil  
8 action to:

9 (1) Obtain all appropriate relief, including equitable  
10 relief, to prevent or remedy a violation of this  
11 chapter; and

12 (2) Recover damages from any person or entity who gathers  
13 evidence or other information in violation of this  
14 chapter, which person or entity shall be liable to the  
15 aggrieved party for damages of \$1,000 or actual and  
16 general damages, whichever is greater, together with  
17 reasonable attorney's fees and other litigation costs  
18 reasonably incurred; provided that if the evidence or  
19 other information gathered in violation of this  
20 chapter is publicly displayed or publicly disclosed,  
21 the aggrieved party shall be entitled to recover  
22 damages of \$10,000 or actual and general damages,



1           whichever is greater, together with reasonable  
 2           attorney's fees and other litigation costs reasonably  
 3           incurred.

4           § -4 Prohibition on use of evidence improperly obtained.

5 No information obtained or collected in violation of this  
 6 chapter shall be admissible as evidence in a criminal  
 7 prosecution or civil action in any court of law of this State,  
 8 except in any prosecution against a person accused of violating  
 9 this chapter or any privacy or nuisance law by the use of an  
 10 unmanned aircraft system."

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

14           SECTION 3. This Act shall take effect upon its approval.

15

INTRODUCED BY:           RL McINTOSH            
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**Report Title:**

Privacy; Unmanned Aircraft Systems; Drones; Surveillance;  
Information Gathering

**Description:**

Prohibits the use of unmanned aircraft systems, commonly known as drones, for the collection of images, sound waves, or other information, except with appropriate consent, under a search warrant, or under other exceptions for certain law enforcement, counter-terrorist, and military operations. Provides civil remedies for aggrieved parties. Prohibits the use of improperly obtained information as evidence except in certain circumstances.

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