
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
5 for 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- Firearms aboard unmanned aircraft systems used
10 for commercial purposes prohibited; penalty. (a) It shall be
11 unlawful for any person to install or carry any firearm aboard
12 an unmanned aircraft system that is used for commercial purposes
13 and is flown across or above the State.

14 (b) Any person violating this section shall be guilty of a
15 misdemeanor.

16 (c) The term "firearm" shall have the same meaning as
17 defined in section 134-1.

18 §263- Operating an unmanned aircraft system or model
19 aircraft so as to cause a nuisance; penalty. It shall be
20 unlawful for any person to operate an unmanned aircraft system
21 or model aircraft across or above the State in a manner that



1 makes causes a nuisance to a member of the public or the
2 property of the member of the public.

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

6 SECTION 4. Chapter 803D, Hawaii Revised Statutes, is
7 amended by adding a new section to part III to be appropriately
8 designated and to read as follows:

9 "§803- Unmanned aircraft systems; warrantless searches;
10 use of data. Whenever data on an individual is obtained using
11 an unmanned aircraft system and conducted without a warrant, the
12 data may not be used for any purpose other than conducting the
13 search; provided that the use of the data shall not be limited
14 if the search is conducted pursuant to a search warrant."

15 SECTION 5. Section 711-1111, Hawaii Revised Statutes, is
16 amended by amending subsection (1) to read as follows:

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

20 (a) Trespasses on property for the purpose of subjecting
21 anyone to eavesdropping or other surveillance in a
22 private place;

- 1 (b) Peers or peeps into a window or other opening of a
2 dwelling or other structure adapted for sojourn or
3 overnight accommodations for the purpose of spying on
4 the occupant thereof or invading the privacy of
5 another person with a lewd or unlawful purpose, under
6 circumstances in which a reasonable person in the
7 dwelling or other structure would not expect to be
8 observed;
- 9 (c) Trespasses on property for the sexual gratification of
10 the actor;
- 11 (d) Installs or uses, or both, in any private place,
12 without consent of the person or persons entitled to
13 privacy therein, any means or device for observing,
14 recording, amplifying, or broadcasting sounds or
15 events in that place other than another person in a
16 stage of undress or sexual activity;
- 17 (e) Installs or uses outside a private place any device
18 for hearing, recording, amplifying, or broadcasting
19 sounds originating in that place which would not
20 ordinarily be audible or comprehensible outside,
21 without the consent of the person or persons entitled
22 to privacy therein;



1 (f) Covertly records or broadcasts an image of another
2 person's intimate area underneath clothing, by use of
3 any device, and that image is taken while that person
4 is in a public place and without that person's
5 consent;

6 (g) Intercepts, without the consent of the sender or
7 receiver, a message or photographic image by
8 telephone, telegraph, letter, electronic transmission,
9 or other means of communicating privately; but this
10 paragraph does not apply to:

11 (i) Overhearing of messages through a regularly
12 installed instrument on a telephone party line or
13 an extension; or

14 (ii) Interception by the telephone company, electronic
15 mail account provider, or telephone or electronic
16 mail subscriber incident to enforcement of
17 regulations limiting use of the facilities or
18 incident to other operation and use;

19 (h) Divulges, without the consent of the sender or the
20 receiver, the existence or contents of any message or
21 photographic image by telephone, telegraph, letter,
22 electronic transmission, or other means of



1 communicating privately, if the accused knows that the
2 message or photographic image was unlawfully
3 intercepted or if the accused learned of the message
4 or photographic image in the course of employment with
5 an agency engaged in transmitting it; [øæ]

- 6 (i) Knowingly possesses materials created under
7 circumstances prohibited in section 711-1110.9[-]; or
8 (j) Uses model aircraft or an unmanned aircraft system
9 operated for commercial or business purposes to track
10 a specific, identifiable person without the person's
11 consent."

12 SECTION 6. Section 803-32, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§803-32 Purposes. The power of granting this writ is one
15 in the exercise of which much is necessarily left to the
16 discretion of the magistrate, but, except in cases where this
17 power is elsewhere specially granted by statute, search warrants
18 can be granted only for the following purposes:

- 19 (1) To seize any article or thing the possession of which
20 is prohibited by law;
21 (2) To discover property taken by theft or under false
22 pretenses, or found and fraudulently appropriated;



- 1 (3) To seize forged instruments in writing, or counterfeit
- 2 coin intended to be passed, or the instruments or
- 3 materials prepared for making them;
- 4 (4) To seize arms or munitions prepared for the purpose of
- 5 insurrection or riot;
- 6 (5) To discover articles necessary to be produced as
- 7 evidence or otherwise on the trial of any one accused
- 8 of a criminal offense[-];
- 9 (6) To conduct aerial surveillance of a specified person
- 10 or the property of a specified person without the
- 11 person's consent."

12 SECTION 7. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun before its effective date.

15 SECTION 8. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 9. This Act shall take effect upon its approval.

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INTRODUCED BY:

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H.B. NO. 2421

Report Title:

Unmanned Aircraft Systems; Privacy; Aeronautics

Description:

Requires individual consent or a search warrant to track an individual through the use of unmanned aircraft systems. Prohibits the repurposing of data without a search warrant. Prohibits the carrying of firearms aboard unmanned aircraft systems. Prohibits the causing of a nuisance from the operation of unmanned aircraft systems and model aircrafts. Requires the police departments to implement guidelines of the International Association of Chiefs of Police Aviation Committee.

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

