

JAN 16 2014

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# 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 with  
5 these benefits come concerns about individual privacy. While  
6 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. The purpose of this Act is to adopt the  
11 recommendations of the Aerospace States Association, the Council  
12 of State Governments, and the National Conference of State  
13 Legislatures regarding privacy considerations arising from the  
14 emergence of unmanned aircraft systems.

15           SECTION 2. Chapter 52D, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated



1 and to read as follows:

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

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

10 "§263- Operating an unmanned aircraft system or model  
11 aircraft so as to cause a nuisance; penalty. (a) It shall be  
12 unlawful for any person to operate an unmanned aircraft system or  
13 model aircraft across or above the State in a manner that causes  
14 a nuisance to either the public, a person or the property of a  
15 person.

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

19 "§263- Firearms aboard unmanned aircraft systems used for  
20 commercial purposes prohibited; penalty. (a) It shall be unlawful



1 for any person to install or carry any firearm aboard an unmanned  
2 aircraft system that is used for commercial purposes and is flown  
3 across or above the State.

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

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

8 SECTION 3. Section 711-1111, Hawaii Revised Statutes, is  
9 amended 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



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



1 is in a public place and without that person's  
2 consent;

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

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

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

16 (h) Divulges, without the consent of the sender or the  
17 receiver, the existence or contents of any message or  
18 photographic image by telephone, telegraph, letter,  
19 electronic transmission, or other means of  
20 communicating privately, if the accused knows that the  
21 message or photographic image was unlawfully



1 intercepted or if the accused learned of the message  
2 or photographic image in the course of employment with  
3 an agency engaged in transmitting it; or  
4 (i) Knowingly possesses materials created under  
5 circumstances prohibited in section 711-1110.9~~[.]~~; or  
6 (j) Uses model aircraft or an unmanned aircraft system  
7 operated for commercial or business purposes to violate  
8 the provisions of this section or to track or record a  
9 specific, identifiable person without the person's  
10 consent."

11 SECTION 4. 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.

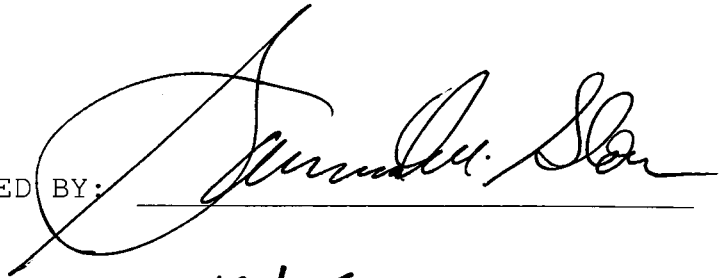
14 SECTION 5. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.  
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INTRODUCED BY:



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# S.B. NO. 2152

**Report Title:**

Unmanned Aircraft Systems

**Description:**

Provides for the Chief of Police to establish guidelines for the use of unmanned aircraft systems; provides for penalties if UAS is used to cause a nuisance; provides for penalties if a UAS is fitted with light firearms; provides for criminal penalties for invasions of privacy using UAS.

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

