

JAN 17 2014

A BILL FOR AN ACT

RELATING TO UNMANNED AIRCRAFT SYSTEMS.

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

1 SECTION 1. Chapter 52D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

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

9 SECTION 2. Chapter 263, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§263- Weapons aboard unmanned aircraft systems used
13 for commercial purposes prohibited; penalty. It shall be
14 unlawful for any person to install or carry weapons aboard an
15 unmanned aircraft system that is used for commercial purposes
16 and is flown across or above the State. Any person violating
17 this section shall be guilty of a misdemeanor."



1 SECTION 3. Chapter 803, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 "§803- Unmanned aircraft systems; warrantless searches;
5 use of data. Whenever data obtained on an individual is
6 obtained through a search using an unmanned aircraft system and
7 conducted without a warrant, the data may not be used for any
8 purpose other than conducting the search; provided that use of
9 the data shall not be so limited if the search is conducted
10 pursuant to a warrant."

11 SECTION 4. Section 711-1111, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

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

16 (a) Trespasses on property for the purpose of subjecting
17 anyone to eavesdropping or other surveillance in a
18 private place;

19 (b) Peers or peeps into a window or other opening of a
20 dwelling or other structure adapted for sojourn or
21 overnight accommodations for the purpose of spying on
22 the occupant thereof or invading the privacy of



1 another person with a lewd or unlawful purpose, under
2 circumstances in which a reasonable person in the
3 dwelling or other structure would not expect to be
4 observed;

5 (c) Trespasses on property for the sexual gratification of
6 the actor;

7 (d) Installs or uses, or both, in any private place,
8 without consent of the person or persons entitled to
9 privacy therein, any means or device for observing,
10 recording, amplifying, or broadcasting sounds or
11 events in that place other than another person in a
12 stage of undress or sexual activity;

13 (e) Installs or uses outside a private place any device
14 for hearing, recording, amplifying, or broadcasting
15 sounds originating in that place which would not
16 ordinarily be audible or comprehensible outside,
17 without the consent of the person or persons entitled
18 to privacy therein;

19 (f) Covertly records or broadcasts an image of another
20 person's intimate area underneath clothing, by use of
21 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
22 intercepted or if the accused learned of the message



1 or photographic image in the course of employment with
2 an agency engaged in transmitting it; [ø±]

3 (i) Knowingly possesses materials created under
4 circumstances prohibited in section 711-1110.9[-]; or

5 (j) Uses model aircraft or an unmanned aircraft system
6 operated for commercial or business purposes to track
7 a specific, identifiable person without the person's
8 consent."

9 SECTION 5. Section 803-32, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§803-32 **Purposes.** The power of granting this writ is one
12 in the exercise of which much is necessarily left to the
13 discretion of the magistrate, but, except in cases where this
14 power is elsewhere specially granted by statute, search warrants
15 can be granted only for the following purposes:

16 (1) To seize any article or thing the possession of which
17 is prohibited by law;

18 (2) To discover property taken by theft or under false
19 pretenses, or found and fraudulently appropriated;

20 (3) To seize forged instruments in writing, or counterfeit
21 coin intended to be passed, or the instruments or
22 materials prepared for making them;



- 1 (4) To seize arms or munitions prepared for the purpose of
- 2 insurrection or riot;
- 3 (5) To discover articles necessary to be produced as
- 4 evidence or otherwise on the trial of any one accused
- 5 of a criminal offense[-];
- 6 (6) To conduct aerial surveillance of a specified person
- 7 or the property of a specified person without the
- 8 person's consent."

9 SECTION 6. This Act does not affect rights and duties that
 10 matured, penalties that were incurred, and proceedings that were
 11 begun before its effective date.

12 SECTION 7. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY: Will Lygro
Randy de Be
[Signature]

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 unmanned aircraft systems from carrying weapons onboard. 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.

