

JAN 17 2014

A BILL FOR AN ACT

RELATING TO UNMANNED AIRCRAFTS.

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

1 SECTION 1. The legislature finds that unmanned aircraft
2 technology is rapidly developing. Public Law 112-95 (2012)
3 requires the Federal Aviation Administration to "accelerate the
4 integration of civil unmanned aircraft systems into the national
5 airspace system". While unmanned aircraft technology offers
6 more efficient and cost saving methods to gather information,
7 this new and innovative technology may also provide
8 opportunities for abuse.

9 In recognizing the progressive opportunities that unmanned
10 aircrafts provide, the legislature also recognizes its duty to
11 protect Hawaii residents from threats to their constitutional
12 right to privacy. The legislature further finds that in 2013
13 nine other states passed legislation regulating government
14 deployment of unmanned aircraft technology.

15 The purpose of this Act is to ensure the use of unmanned
16 aircraft technology is used strictly to assist or benefit Hawaii
17 residents and not used in a manner that will impede their right
18 to privacy.



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

4 **"PART . UNMANNED AIRCRAFTS**

5 **§803-A Definitions.** As used in this part unless otherwise
6 required by context:

7 "Law enforcement agency" means any agency of the State,
8 county, or United States that is vested by law with the duty to
9 maintain public order and to enforce the criminal laws.

10 "Unmanned aircraft" means an aircraft that is operated
11 without direct human intervention onboard the aircraft.

12 **§803-B Use of unmanned aircrafts prohibited.** Except as
13 provided under this part, it shall be unlawful for any law
14 enforcement agency, state or local public agency, person, or
15 entity to use an unmanned aircraft to gather information,
16 including but not limited to images, photographs, or recordings.

17 **§803-C Exceptions.** This part shall not apply to a law
18 enforcement agency under any of the following circumstances:

- 19 (1) A finding based on credible intelligence is made by
20 the United States Secretary of Homeland Security that
21 the use of an unmanned aircraft is necessary to



1 counter a high risk terrorist attack by a specific
2 individual or organization;

3 (2) A search warrant is issued pursuant to this chapter
4 that permits the use of an unmanned aircraft; provided
5 that the search warrant shall be valid for a period
6 not to exceed thirty days but may be extended by the
7 court for no more than thirty additional days upon a
8 showing of good cause;

9 (3) The use of an unmanned aircraft is necessary to assist
10 in search and rescue activities or locate missing
11 persons;

12 (4) The use of an unmanned aircraft is necessary to assist
13 in the operation, exercise, or mission of any branch
14 of the United State military; or

15 (5) The use of an unmanned aircraft is necessary to assist
16 the disaster relief agency under chapter 127 or
17 provide relief pursuant to the governor's declaration
18 of a state disaster under section 209-2.

19 **§803-D Retention of information.** If a law enforcement
20 agency uses an unmanned aircraft pursuant to section 803-C, the
21 law enforcement agency shall destroy all information collected
22 by the unmanned aircraft no later than thirty days after such



1 information is collected unless the information is necessary for
2 and relevant to an ongoing criminal investigation or pending
3 criminal trial.

4 **§803-E Disclosure of information.** If a law enforcement
5 agency uses an unmanned aircraft pursuant to section 803-C, the
6 law enforcement agency shall not disclose any information
7 collected by the unmanned aircraft unless the collected
8 information is necessary for and relevant to an ongoing criminal
9 investigation or pending criminal trial.

10 **§803-F Remedies for violations.** An aggrieved party may
11 initiate a civil action to:

- 12 (1) Obtain any appropriate relief, including but not
13 limited to equitable relief to prevent or remedy a
14 violation of this part; and
- 15 (2) Recover monetary damages, including actual and general
16 damages, attorney's fees, and other litigation costs
17 reasonably incurred, in an amount no less than \$1,000;
18 or
- 19 (3) If information collected through the use of an
20 unmanned aircraft was publicly disclosed without the
21 aggrieved party's permission, the aggrieved party is
22 entitled to recover monetary damages, including actual



1 and general damages, attorney's fees, and other
2 litigation costs reasonably incurred, in an amount no
3 less than \$10,000.

4 **§803-G Reporting.** (a) In January of each year, any law
5 enforcement agency that used an unmanned aircraft during the
6 previous calendar year shall report to the legislature its
7 unmanned aircraft activities and shall provide a copy of the
8 report to the judiciary. The report shall include the following
9 information:

10 (1) The number of times an unmanned aircraft was used,
11 organized by the types of incidents and the types of
12 justification for deployment;

13 (2) The number of crime investigations aided by the use of
14 each unmanned aircraft, along with a description of
15 how the unmanned aircraft was helpful to each
16 investigation; and

17 (3) The total cost of the law enforcement agency's
18 unmanned aircraft program.

19 (b) In January of each year, any court that has issued a
20 search warrant permitting the use of an unmanned aircraft, an
21 extension or modification of such warrant, or denied an
22 application for such warrant during the previous calendar year



1 shall report to the judiciary the number, kind, and duration of
2 search warrants or search warrant extensions applied for,
3 granted, modified, or denied."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. In codifying the new sections added by section
8 2 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 5. This Act shall take effect upon its approval.

12

INTRODUCED BY:





S.B. NO. 2608

Report Title:

Unmanned Aircrafts

Description:

Prohibits the use of unmanned aircrafts, except by law enforcement agencies, to gather information and establishes certain conditions for law enforcement agencies to use an unmanned aircraft to obtain information. Requires all law enforcement agencies using unmanned aircrafts and the courts to report on their activities relating to unmanned aircrafts.

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

