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# 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. However, the  
15 legislature acknowledges that the Federal Aviation  
16 Administration has been mandated by the United States Congress  
17 to research and develop a regulatory scheme for the commercial  
18 use of unmanned aircrafts. As such, it is the intent of the



1 legislature to wait for the findings from the Federal Aviation  
2 Administration before regulating the commercial use of unmanned  
3 aircrafts.

4 The purpose of this Act is to ensure that unmanned aircraft  
5 technology is used strictly to assist or benefit Hawaii  
6 residents and not used in a manner that will impede their right  
7 to privacy.

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

11 **"PART . UNMANNED AIRCRAFTS**

12 **§803-A Definitions.** As used in this part unless otherwise  
13 required by context:

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

17 "Model aircraft" means an unmanned aircraft that is:

- 18 (1) Capable of sustained flight in the atmosphere;  
19 (2) Flown within visual line of sight of the person  
20 operating the aircraft; and  
21 (3) Flown for hobby or recreational purposes.



1 "Unmanned aircraft" means an aircraft that is operated  
2 without direct human intervention onboard the aircraft.

3 **§803-B Use of unmanned aircrafts prohibited.** Except as  
4 provided under this part, it shall be unlawful for any law  
5 enforcement agency or state or local public agency to use an  
6 unmanned aircraft to conduct surveillance, including but not  
7 limited to capturing images, photographs, or recordings.  
8 Nothing in this part shall be construed to limit or prohibit the  
9 use of model aircrafts for hobby or recreational purposes.

10 **§803-C Exceptions.** This part shall not apply to a law  
11 enforcement agency under any of the following circumstances:

- 12 (1) A finding based on credible intelligence is made by  
13 the United States Secretary of Homeland Security that  
14 the use of an unmanned aircraft is necessary to  
15 counter a high risk terrorist attack by a specific  
16 individual or organization;
- 17 (2) A search warrant is issued pursuant to this chapter  
18 that permits the use of an unmanned aircraft; provided  
19 that the search warrant shall be valid for a period  
20 not to exceed thirty days but may be extended by the  
21 court for no more than thirty additional days upon a  
22 showing of good cause;



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

4 (4) The use of an unmanned aircraft is necessary to assist  
5 in the operation, exercise, or mission of any branch  
6 of the United States military; or

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

11 **§803-D Retention of information.** If a law enforcement  
12 agency uses an unmanned aircraft pursuant to section 803-C, the  
13 law enforcement agency shall destroy all information collected  
14 by the unmanned aircraft no later than thirty days after such  
15 information is collected unless the information is necessary for  
16 and relevant to an ongoing criminal investigation or pending  
17 criminal trial.

18 **§803-E Disclosure of information.** If a law enforcement  
19 agency uses an unmanned aircraft pursuant to section 803-C, the  
20 law enforcement agency shall not disclose any information  
21 collected by the unmanned aircraft unless the collected



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

3 **§803-F Remedies for violations.** An aggrieved party may  
4 initiate a civil action to:

- 5 (1) Obtain any appropriate relief, including but not  
6 limited to equitable relief to prevent or remedy a  
7 violation of this part; and
- 8 (2) Recover monetary damages, including actual and general  
9 damages, attorney's fees, and other litigation costs  
10 reasonably incurred, in an amount no less than \$1,000;  
11 or
- 12 (3) If information collected through the use of an  
13 unmanned aircraft was publicly disclosed without the  
14 aggrieved party's permission, the aggrieved party is  
15 entitled to recover monetary damages, including actual  
16 and general damages, attorney's fees, and other  
17 litigation costs reasonably incurred, in an amount no  
18 less than \$10,000.

19 **§803-G Reporting.** (a) In January of each year, any law  
20 enforcement agency that used an unmanned aircraft during the  
21 previous calendar year shall report to the legislature its  
22 unmanned aircraft activities and shall provide a copy of the



1 report to the judiciary. The report shall include the following  
2 information:

3 (1) The number of times an unmanned aircraft was used,  
4 organized by the types of incidents and the types of  
5 justification for deployment;

6 (2) The number of crime investigations aided by the use of  
7 each unmanned aircraft, along with a description of  
8 how the unmanned aircraft was helpful to each  
9 investigation; and

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

12 (b) In January of each year, any court that has issued a  
13 search warrant permitting the use of an unmanned aircraft,  
14 issued an extension or modification of such warrant, or denied  
15 an application for such warrant during the previous calendar  
16 year shall report to the judiciary the number, kind, and  
17 duration of search warrants or search warrant extensions applied  
18 for, granted, modified, or denied."

19 SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



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

5           SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Unmanned Aircrafts; Right to Privacy

**Description:**

Prohibits the use of unmanned aircrafts, except by law enforcement agencies or state or local public agencies, to conduct surveillance and establishes certain conditions for law enforcement agencies to use an unmanned aircraft to obtain information. Exempts the use of model aircrafts for hobby or recreational purposes. Requires all law enforcement agencies using unmanned aircrafts and the courts to report on their activities relating to unmanned aircrafts. Effective 07/01/50.  
(SD2)

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

