

STAND. COM. REP. NO. 2580

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2608  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2608, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO UNMANNED AIRCRAFTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make it unlawful for any law enforcement agency, state or local public agency, person, or entity to use an unmanned aircraft to gather information, including but not limited to images, photographs, or recordings, except under specified circumstances; and
- (2) Requires all law enforcement agencies using unmanned aircrafts and the courts to report on their activities relating to unmanned aircrafts.

Your Committee received testimony in support of this measure from the Department of Transportation, American Civil Liberties Union of Hawaii, and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Cattlemen's Council, Inc.; The Nature Conservancy; Hawaii Farm Bureau; Hawaii Goes Fishing; and thirty-one individuals. Your Committee received comments on this measure from the Department of Defense; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; Remote Control Flight Leadership Initiative; and one individual.



Your Committee finds that unmanned aircraft technology is rapidly developing. The Federal Aviation Administration Modernization and Reform Act of 2012 (Public Law 112-95 (2012)) requires the Federal Aviation Administration (FAA) to "accelerate the integration of civil unmanned aircraft systems into the national airspace system". Unmanned aircraft technology offers more efficient and cost saving methods to gather information, but this new and innovative technology may also provide opportunities for abuse. While recognizing the progressive opportunities that unmanned aircrafts provide, your Committee also recognizes the duty to protect Hawaii residents from threats to their constitutional right to privacy. This measure ensures that unmanned aircraft technology is used strictly to assist or benefit Hawaii residents and not used in a manner that will impede their right to privacy.

Your Committee notes the concerns raised in written testimony that this measure may prohibit the use of model aircraft for hobby and recreational purposes. Written testimony indicates that the FAA Modernization and Reform Act recognizes and provides an exemption for the use of model aircrafts. Accordingly, your Committee believes that this measure should exclude model aircrafts that are used for hobby or recreational purposes.

Your Committee further notes the concerns raised in written testimony that this measure may prohibit the use of unmanned aircrafts to capture images or photos to be used for commercial purposes. An exemption was requested for persons who use unmanned aircrafts for commercial purposes. However, your Committee recognizes that the FAA has been mandated by the United States Congress to research and develop a regulatory scheme for the commercial use of unmanned aircrafts. As a result, your Committee believes that it would be prudent to wait for the findings from the FAA before regulating the commercial use of unmanned aircrafts, in order to align state law with federal law.

Your Committee has amended this measure by:

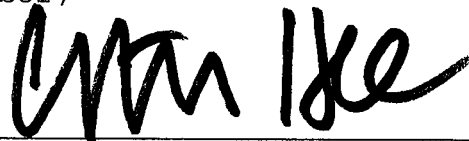
- (1) Amending the purpose section to acknowledge that the FAA has been mandated by the United States Congress to research and develop a regulatory scheme for the commercial use of unmanned aircrafts and it is the intent of the Legislature to wait for the findings from the FAA before regulating the commercial use of unmanned aircrafts;



- (2) Adding a definition of "model aircraft";
- (3) Limiting the scope of and clarifying the prohibited use of unmanned aircrafts to law enforcement agencies or state of local public agencies that use unmanned aircrafts to conduct surveillance, including but not limited to capturing images, photographs, or recordings;
- (4) Exempting the use of model aircrafts for hobby or recreational purposes from the prohibition;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2608, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2608, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2608 SD1	TIA / PSM, JDL	2/18/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood				✓
IHARA, Jr., Les	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes