

JAN 27 2016

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 rapid growth in the
2 wide spread and unregulated use of unmanned aircraft systems has
3 created a dangerous situation in the sky. The extensive and
4 unregulated use of unmanned aircraft systems has far surpassed
5 the State's ability to ensure a safe environment for all
6 citizens.

7 The purpose of this Act is to protect the public by setting
8 basic safety guidelines for unmanned aircraft systems.

9 SECTION 2. Section 711-1100, Hawaii Revised Statutes, is
10 amended by adding two new definitions to be appropriately
11 inserted and to read as follows:

12 "Image" means any capturing of sound waves, thermal,
13 infrared, ultraviolet, visible light, or other electromagnetic
14 waves, odor, or other conditions existing on or above real
15 property or an individual located on that property.

16 "Unmanned aircraft systems" means any object that is a
17 system consisting of an unmanned aircraft that is remotely



1 controlled, usually from the ground but also from a manned
2 aircraft, by use of data links and board sensors. Therefore, it
3 is operated with no pilot on-board."

4 SECTION 3. Chapter 711, Hawaii Revised Statutes, is
5 amended by adding three new sections to be appropriately
6 designated and to read as follows:

7 "§711-A Prohibited use of an unmanned aircraft system in
8 the first degree. (1) A person commits the offense of
9 prohibited use of an unmanned aircraft system in the first
10 degree if the person intentionally or knowingly uses an unmanned
11 aircraft system to capture an image of an individual or
12 privately owned real property with the intent to conduct
13 surveillance on another person in a stage of undress or sexual
14 activity without the consent of the person or property captured
15 in the image.

16 (2) Prohibited use of an unmanned aircraft system in the
17 first degree is a class C felony.

18 §711-B Prohibited use of an unmanned aircraft system in
19 the second degree. (1) A person commits the offense of
20 prohibited use of an unmanned aircraft system in the second
21 degree if:



1 (a) A person intentionally or knowingly uses an unmanned
2 aircraft system to observe or view an individual or
3 privately owned real property in this State with the
4 intent to conduct surveillance of another person in a
5 stage of undress or sexual activity without the
6 consent of the person or persons; or

7 (b) A person knowingly uses an image taken during a
8 military operation, exercise or mission conducted by
9 any branch of the United States military without valid
10 authorization.

11 (2) Prohibited use of an unmanned aircraft system in the
12 second degree is a misdemeanor.

13 §711- Prohibited use of an unmanned aircraft system;
14 exceptions. Sections 711-A and 711-B shall not apply to images
15 captured using an unmanned aircraft system in the following
16 circumstances:

17 (a) Authorized activities carried on by the United States
18 Department of Defense or the United States Department
19 of Homeland Security in their official capacity as
20 part of an operation, exercise, mission, testing, or
21 training;



1 (b) If the image is captured by a law enforcement
2 authority or a person who is under contract with or
3 otherwise acting under the direction or on behalf of a
4 law enforcement authority:

5 (i) In the immediate pursuit of a person law
6 enforcement officers have reasonable suspicion or
7 probable cause to suspect has committed a
8 criminal offense, not including misdemeanors or
9 petty misdemeanors only;

10 (ii) For the purpose of documenting a crime scene
11 where an offense, not including misdemeanors,
12 petty misdemeanors, or offenses punishable by a
13 fine only, has been committed; or

14 (iii) For the purpose of investigating the scene of a
15 human fatality, a motor vehicle accident causing
16 death or serious bodily injury to a person, or
17 any motor vehicle accident on a state highway or
18 federal highway;

19 (c) With the consent of the individual who owns or
20 lawfully occupies the real property captured in the
21 image;



- 1 (d) In airspace designated as a test site or range
2 authorized by the Federal Aviation Administration for
3 the purpose of integrating unmanned aircraft systems
4 into the national airspace;
- 5 (e) If the image is captured by a satellite for the
6 purposes of mapping;
- 7 (f) If the image is captured by or for an electric or
8 natural gas utility for the purpose of maintaining the
9 utility systems reliability and integrity; for
10 inspecting the utility facilities to determine repair,
11 maintenance, or replacement needs during and after
12 construction of such facilities; for assessing
13 vegetation growth for the purpose of maintaining
14 clearances on utility easements; and for utility
15 facility routing and siting for the purpose of
16 providing utility service;
- 17 (g) For the purposes of professional or scholarly research
18 and development by a person acting on behalf of an
19 institution of higher education, including a person
20 who: is a professor, employee, or student of the
21 institution; or is under contract with or otherwise



- 1 acting under the direction or on behalf of the
2 institution;
- 3 (h) Pursuant to a valid search or arrest warrant;
- 4 (i) In connection with the search for a missing person;
- 5 (j) For the purpose of conducting a high-risk tactical
6 operation that poses a threat to human life;
- 7 (k) On private property that is generally open to the
8 public where the property owner consents to law
9 enforcement public safety responsibilities;
- 10 (l) If the image is captured by state or local law
11 enforcement authorities, or a person who is under
12 contract with or otherwise acting under the direction
13 of or on behalf of state authorities, for the purpose
14 of: surveying the scene of a catastrophe or other
15 damage to determine whether a state of emergency
16 should be declared; preserving public safety,
17 protecting property, or surveying damage or
18 contamination during a lawfully declared state of
19 emergency; or conducting routine air quality sampling
20 monitoring, as provide by state or local law;



- 1 (m) At the scene of a spill, or suspected spill, or
- 2 hazardous materials;
- 3 (n) For the purpose of fire suppression;
- 4 (o) For the purpose of rescuing a person whose life or
- 5 well-being is in imminent danger;
- 6 (p) If the image is captured by a Hawaii licensed real
- 7 estate broker in connection with the marketing, sale
- 8 or financing of real property, provided that no
- 9 individual is identifiable in the image;
- 10 (q) In connection with the port authority surveillance and
- 11 security; and
- 12 (r) This does not apply to the manufacture, assembly,
- 13 distribution, or sale of an unmanned aircraft system."

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. In codifying the new sections added by section
18 3 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.

21 SECTION 6. New statutory material is underscored.



S.B. NO. 2965

1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY: ~~DR. Fitch Dagan~~
BY REQUEST OF
ANOTHER PARTY



S.B. NO. 2965

Report Title:

Prohibited Use of an Unmanned Aircraft System

Description:

Establishes the offenses of prohibited use of an unmanned aircraft system in the first degree and prohibited use of an unmanned aircraft system in the second degree. Establishes exemptions for the prohibited use of an unmanned aircraft system offenses.

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

