
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 Unmanned aircraft systems have the potential to provide
10 economic, environmental, safety, and security benefits.
11 Examples of unmanned aircraft systems use in Hawaii include:
12 emergency deployment at accident scenes, search and rescue
13 operations, man-made and natural disaster response, terroristic
14 threat response, firefighting, chemical and HAZMAT detection,
15 crop dusting, agricultural development, monitoring of pollution,
16 pipelines, wildlife, traffic, and floods, aerial news coverage,
17 delivering medical supplies to remote areas, aerial photography,
18 forensic photography, real-estate photography, filmmaking,



1 communications, broadcasting, volcanic research, volcanic
2 eruptions and ash dispersal, hazardous weather, damage
3 assessment, cargo transportation, and port, border, and event
4 security. In addition to these direct benefits, unmanned
5 aircraft systems implementation has the potential to create many
6 new industries and provide manufacturing, operation, and other
7 high quality job opportunities.

8 Unmanned aircraft system technology also provides
9 opportunities for abuse and raises concerns regarding privacy.
10 Unmanned aircraft systems technology can use a variety of
11 sensors and loiter for long periods of time without detection,
12 giving rise to a concern that the government can use these
13 systems to monitor individuals. It is necessary to allow the
14 use of unmanned aircraft systems while ensuring privacy
15 protection.

16 The legislature further finds that the Federal Aviation
17 Administration has been mandated by the United States Congress
18 to integrate unmanned aircraft into the national airspace. As
19 such, it is the intent of the legislature to wait for the
20 findings from the Federal Aviation Administration before
21 regulating the commercial use of unmanned aircrafts beyond the



1 Federal Aviation Administration regulations, except as
2 pertaining to individual privacy. It is also acknowledged that
3 existing law pertaining to individual privacy as it applies to
4 the use of manned aircraft, applies to violations involving the
5 use of unmanned aircraft systems technology.

6 The purpose of this Act is to ensure that unmanned aircraft
7 systems technology will not be used in a manner that will impede
8 the right to privacy.

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

12 **"PART . UNMANNED AIRCRAFT SYSTEMS**

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

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

18 "Unmanned aircraft systems" means a government, commercial
19 or private vehicle that is operated without direct human
20 intervention onboard the aircraft and includes model aircraft
21 operated by hobbyists.



1 **§803- Use of unmanned aircraft systems by law**
2 **enforcement agencies.** Surveillance by a law enforcement agency
3 of an individual or individual's property, where the individual
4 is specifically targeted for surveillance, shall require a
5 warrant.

6 **§803- Tracking of individuals; prohibited.** Tracking of
7 specific identifiable individuals without their consent by any
8 privately owned or operated unmanned aircraft system is
9 prohibited.

10 **§803- Repurposing of data; prohibited; exception.** Data
11 derived from warrantless observations through the use of an
12 unmanned aircraft system shall not be used by a law enforcement
13 agency to look for wrongdoing unless a warrant authorizes the
14 use of the data.

15 **§803- Weapons; prohibited.** Unmanned aircraft systems
16 weapon carriage by private, commercial, or law enforcement
17 agencies is prohibited.

18 **§803- Remedies for violations.** An aggrieved party may
19 initiate a civil action to:



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

14 **§803- Reporting.** (a) In January of each year, any law
15 enforcement agency that used an unmanned aircraft during the
16 previous calendar year shall report to the legislature its
17 unmanned aircraft activities and shall provide a copy of the
18 report to the judiciary. The report shall include the following
19 information:



- 1 (1) The number of times an unmanned aircraft was used,
2 organized by the types of incidents and the types of
3 justification for deployment;
- 4 (2) The number of crime investigations aided by the use of
5 each unmanned aircraft, along with a description of
6 how the unmanned aircraft was helpful to each
7 investigation; and
- 8 (3) The total cost of the law enforcement agency's
9 unmanned aircraft program.
- 10 (b) In January of each year, any court that has issued a
11 search warrant permitting the use of an unmanned aircraft,
12 issued an extension or modification of such warrant, or denied
13 an application for such warrant during the previous calendar
14 year shall report to the judiciary the number, kind, and
15 duration of search warrants or search warrant extensions applied
16 for, granted, modified, or denied.

17 **§803- Guidelines for unmanned aircraft systems use by**
18 **law enforcement agencies.** Law enforcement agencies are
19 encouraged to review the International Association of Chiefs of
20 Police Aviation Committee's "Recommended Guidelines for the Use



1 of Unmanned Aircraft" and develop written policies for unmanned
2 aircraft systems use. These policies shall provide guidance for
3 community engagement, system requirements, operational
4 procedures, and data retention for unmanned aircraft system
5 operations by all law enforcement agencies."

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

9 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Unmanned Aircraft Systems; Right to Privacy

Description:

Authorizes the use of unmanned aircraft systems by private, commercial, and law enforcement agencies to conduct surveillance. Requires all law enforcement agencies using unmanned aircraft systems to report on their activities relating to unmanned aircrafts. (SD1)

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