

ASSEMBLY BILL

No. 1327

Introduced by Assembly Members Gorell and Bradford

February 22, 2013

An act to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 1327, as introduced, Gorell. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems, as defined, with certain exceptions applicable to law enforcement agencies and in certain other cases. The bill would require the acquisition of an unmanned aircraft system, or a contract for the use of an unmanned aircraft system, for authorized purposes to be subject to the specific approval of the applicable public agency's legislative body. The bill would require the legislative body, in approving the acquisition or purchase, to also adopt policies governing the use and deployment of the unmanned aircraft system. The bill would require reasonable public notice to be provided by agencies intending to deploy unmanned aircraft systems, as specified. The bill would require

images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within 10 days, except to the extent required as evidence of a crime, part of an ongoing investigation of a crime, or for training purposes, or pursuant to an order of a court.

This bill would also prohibit a person or entity, other than a public agency subject to the above provisions or a person or entity under contract to a public agency, for the purpose of that contract, from using an unmanned aircraft system, or contracting for the use of an unmanned aircraft system, for the purpose of surveillance of another person without that person’s consent. The bill would provide that a person who is subject to surveillance without consent may seek and obtain an injunction prohibiting the use of images, footage, or data related to the person that was obtained through the surveillance, and would provide for the awarding of liquidated damages of five thousand dollars (\$5,000) for each day of surveillance and any actual damages in excess of that amount.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 14 (commencing with Section 14350) is
2 added to Part 4 of the Penal Code, to read:

3
4 TITLE 14. UNMANNED AIRCRAFT SYSTEMS
5

6 14350. (a) A public agency shall not use an unmanned aircraft
7 system, or contract for the use of an unmanned aircraft system,
8 except as provided in this title.

9 (b) A law enforcement agency may use an unmanned aircraft
10 system, or contract for the use of an unmanned aircraft system, if
11 it has a reasonable expectation that the unmanned aircraft system
12 will collect evidence relating to criminal activity and if it has
13 obtained a warrant based on probable cause pursuant to this code.

14 (c) A law enforcement agency, without obtaining a warrant,
15 may use an unmanned aircraft system, or contract for the use of
16 an unmanned aircraft system, in emergency situations, including,
17 but not limited to, fires, hostage crises, and search and rescue
18 operations on land or water.

1 (d) (1) Except as otherwise provided in paragraph (2), a law
2 enforcement agency may use an unmanned aircraft system, or
3 contract for the use of an unmanned aircraft system, to block,
4 interfere with, or otherwise control communication or data signals
5 of electronic devices only if it has obtained an order of a court
6 upon a showing of good cause.

7 (2) The requirement for a court order shall not apply in
8 circumstances involving an imminent threat to persons or property,
9 provided that the unmanned aircraft system is deployed for a
10 maximum duration not to exceed two hours.

11 (e) A public agency may use an unmanned aircraft system, or
12 contract for the use of an unmanned aircraft system, for the
13 purposes of geological inspections related to the mission of the
14 agency.

15 14351. The acquisition of an unmanned aircraft system, or a
16 contract for the use of an unmanned aircraft system, for purposes
17 authorized by this title shall be subject to the specific approval of
18 the applicable public agency's legislative body. The legislative
19 body, in approving the acquisition or purchase, shall also adopt
20 policies governing the use and deployment of the unmanned aircraft
21 system, consistent with this title. In the case of a state agency, the
22 legislative body shall be the Legislature.

23 14352. A public agency that uses an unmanned aircraft system,
24 or contracts for the use of an unmanned aircraft system, pursuant
25 to this title shall first provide reasonable notice to the public.
26 Reasonable notice shall, at a minimum, consist of a one-time
27 announcement regarding the agency's intent to deploy unmanned
28 aircraft system technology and a description of the technology's
29 capabilities.

30 14353. (a) Images, footage, or data obtained by a public agency
31 through the use of an unmanned aircraft system authorized pursuant
32 to this title shall be permanently destroyed within 10 days, except
33 to the extent required as evidence of a crime, part of an ongoing
34 investigation of a crime, or for training purposes, or pursuant to
35 an order of a court.

36 (b) Images, footage, or data retained by a public agency shall
37 be open to public inspection, unless expressly exempt by law.

38 14354. (a) A person or entity, other than a public agency
39 subject to Section 14350 or a person or entity under contract to a
40 public agency, for the purpose of that contract, shall not use an

1 unmanned aircraft system, or contract for the use of an unmanned
2 aircraft system, for the purpose of surveillance of another person
3 without that person’s consent.

4 (b) A person who is subject to surveillance without consent may
5 seek and obtain an injunction prohibiting the use of images,
6 footage, or data related to the person that was obtained through
7 the surveillance. The person shall also be awarded liquidated
8 damages of five thousand dollars (\$5,000) for each day of
9 surveillance and any actual damages in excess of that amount.

10 14355. Nothing in this title is intended to conflict with or
11 supersede federal law, including rules and regulations of the
12 Federal Aviation Administration.

13 14356. “Unmanned aircraft system” means an unmanned
14 aircraft and associated elements, including communication links
15 and the components that control the unmanned aircraft, that are
16 required for the pilot in command to operate safely and efficiently
17 in the national airspace system.