

AMENDED IN ASSEMBLY APRIL 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1327**

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**Introduced by Assembly Members Gorell and Bradford**

February 22, 2013

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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 amended, 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 *by a local public agency* to be subject to the specific approval of the applicable *local public agency's* legislative body. The bill would require ~~the a~~ *local* 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 a state agency that uses an*

*unmanned aircraft system, or contracts for the use of an unmanned aircraft system, to provide, no later than January 1 of each year, an annual report to the Governor that includes, but is not limited to, the agency's acquisitions, purchases, rentals, or leases of unmanned aircraft systems.*

*Because this bill would expand the duties of local law enforcement officials and local public officials and the scope of existing investigatory activities, the bill would impose a state-mandated local program.*

*The bill would authorize CAL-FIRE to use unmanned aircraft systems, or contract for the use of unmanned aircraft systems, for fire-related activities. The bill would require reasonable public notice to be provided by public 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. The bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that may cause bodily injury or death, or damage to, or the destruction of, real or personal property.*

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.

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

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

*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) (1) 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, *“hot pursuit” situations*,  
18 and search and rescue operations on land or water.

19 (2) *A law enforcement agency, without obtaining a warrant,*  
20 *may use an unmanned aircraft system, or contract for the use of*  
21 *an unmanned aircraft system, to conduct traffic accident*  
22 *investigations or to inspect state parks for illegal vegetation.*

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

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

5 (e) (1) A public agency may use an unmanned aircraft system,  
6 or contract for the use of an unmanned aircraft system, for the  
7 purposes of geological inspections related to the mission of the  
8 agency *or for the purpose of detecting oil spills*.

9 (2) *CAL-FIRE may use unmanned aircraft systems, or contract*  
10 *for the use of unmanned aircraft systems, for fire-related activities.*

11 14351. (a) The acquisition of an unmanned aircraft system,  
12 or a contract for the use of an unmanned aircraft system, for  
13 purposes authorized by this title *by a local public agency* shall be  
14 subject to the specific approval of the applicable *local* public  
15 agency's legislative body. The *local* legislative body, in approving  
16 the acquisition or purchase, shall also adopt policies governing the  
17 use and deployment of the unmanned aircraft system, consistent  
18 with this title. ~~In the case of a state agency, the legislative body~~  
19 ~~shall be the Legislature.~~

20 (b) *A state agency that uses an unmanned aircraft system, or*  
21 *contracts for the use of an unmanned aircraft system, shall provide,*  
22 *no later than January 1 of each year, an annual report to the*  
23 *Governor that includes, but is not limited to, the agency's*  
24 *acquisitions, purchases, rentals, or leases of unmanned aircraft*  
25 *systems.*

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

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

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

1 14354. (a) A person or entity, other than a public agency  
2 subject to Section 14350 or a person or entity under contract to a  
3 public agency, for the purpose of that contract, shall not use an  
4 unmanned aircraft system, or contract for the use of an unmanned  
5 aircraft system, for the purpose of surveillance of another person  
6 without that person’s consent.

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

13 *14354.5. A person or entity, including a public agency subject*  
14 *to Section 14350 or a person or entity under contract to a public*  
15 *agency, for the purpose of that contract, shall not equip or arm*  
16 *an unmanned aircraft system with a weapon or other device that*  
17 *may be carried by or launched from an unmanned aircraft system*  
18 *and that may cause bodily injury or death, or damage to, or the*  
19 *destruction of, real or personal property.*

20 14355. Nothing in this title is intended to conflict with or  
21 supersede federal law, including rules and regulations of the  
22 Federal Aviation Administration.

23 14356. “Unmanned aircraft system” means an unmanned  
24 aircraft and associated elements, including communication links  
25 and the components that control the unmanned aircraft, that are  
26 required for the pilot in command to operate safely and efficiently  
27 in the national airspace system.

28 *SEC. 2. No reimbursement is required by this act pursuant to*  
29 *Section 6 of Article XIII B of the California Constitution for certain*  
30 *costs that may be incurred by a local agency or school district*  
31 *because, in that regard, this act creates a new crime or infraction,*  
32 *eliminates a crime or infraction, or changes the penalty for a crime*  
33 *or infraction, within the meaning of Section 17556 of the*  
34 *Government Code, or changes the definition of a crime within the*  
35 *meaning of Section 6 of Article XIII B of the California*  
36 *Constitution.*

37 *However, if the Commission on State Mandates determines that*  
38 *this act contains other costs mandated by the state, reimbursement*  
39 *to local agencies and school districts for those costs shall be made*

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

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