

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY APRIL 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1327**

---

---

**Introduced by Assembly Members Gorell and Bradford**  
*(Principal coauthor: Assembly Member Muratsuchi)*  
*(Coauthor: Assembly Member Fox)*

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 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 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~~ *the Department of Forestry and Fire Protection (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, *as specified*, 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 bill would require that the restrictions that apply to the*

*use of an unmanned aircraft system by a law enforcement agency also apply to any person, entity, or public agency that uses, operates, or contracts for an unmanned aircraft system.*

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: 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.

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~~ pursuant to Section 2518 of Title  
7 18 of the United States Code.

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

12 (e) (1) A public agency may use an unmanned aircraft system,  
13 or contract for the use of an unmanned aircraft system, for the  
14 purposes of geological inspections related to the mission of the  
15 agency or for the purpose of detecting oil spills.

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

18 14351. (a) The acquisition of an unmanned aircraft system,  
19 or a contract for the use of an unmanned aircraft system, for  
20 purposes authorized by this title by a local public agency shall be  
21 subject to the specific approval of the applicable local public  
22 agency's legislative body. The local legislative body, in approving  
23 the acquisition or purchase, shall also adopt policies governing the  
24 use and deployment of the unmanned aircraft system, consistent  
25 with this title.

26 (b) A state agency that uses an unmanned aircraft system, or  
27 contracts for the use of an unmanned aircraft system, shall provide,  
28 no later than January 1 of each year, an annual report to the  
29 Governor that includes, but is not limited to, the agency's  
30 acquisitions, purchases, rentals, or leases of unmanned aircraft  
31 systems.

32 14352. A public agency that uses an unmanned aircraft system,  
33 or contracts for the use of an unmanned aircraft system, pursuant  
34 to this title shall first provide reasonable notice to the public.  
35 Reasonable notice shall, at a minimum, consist of a one-time  
36 announcement regarding the agency's intent to deploy unmanned  
37 aircraft system technology and a description of the technology's  
38 capabilities.

39 14353. (a) Images, footage, or data obtained by a public agency  
40 through the use of an unmanned aircraft system authorized pursuant

1 to this title shall be permanently destroyed within 10 days, except  
2 to the extent required as evidence of a crime, part of an ongoing  
3 investigation of a crime, or for training purposes, or pursuant to  
4 an order of a court.

5 (b) (1) Images, footage, or data retained by a public agency  
6 shall be open to public inspection, unless expressly exempt by law.

7 (2) *Images, footage, or data retained for training purposes shall*  
8 *be used only for the education and instruction of an agency's*  
9 *employees and for no other purpose.*

10 14354. (a) (1) A person or entity, other than a public agency  
11 subject to Section 14350 or a person or entity under contract to a  
12 public agency, for the purpose of that contract, shall not use an  
13 unmanned aircraft system, or contract for the use of an unmanned  
14 aircraft system, for the purpose of surveillance of another person  
15 without that person's consent.

16 (2) *A law enforcement agency shall only view data gathered by*  
17 *a person or entity, other than a public agency subject to Section*  
18 *14350, or a person under contract to a public agency, if the law*  
19 *enforcement agency has obtained a warrant or has the permission*  
20 *or approval of that person or entity, or person under contract to*  
21 *a public agency, provided that the data gathered by the person or*  
22 *entity was lawfully obtained.*

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

29 14354.5. A person or entity, including a public agency subject  
30 to Section 14350 or a person or entity under contract to a public  
31 agency, for the purpose of that contract, shall not equip or arm an  
32 unmanned aircraft system with a weapon or other device that may  
33 be carried by or launched from an unmanned aircraft system and  
34 that may cause bodily injury or death, or damage to, or the  
35 destruction of, real or personal property.

36 14354.7. *The restrictions on the use of an unmanned aircraft*  
37 *system by a law enforcement agency shall apply to any person,*  
38 *entity, or public agency that uses, operates, or contracts for an*  
39 *unmanned aircraft system.*

1 14355. (a) Nothing in this title is intended to conflict with or  
2 supersede federal law, including rules and regulations of the  
3 Federal Aviation Administration.

4 (b) *Nothing in this title prohibits a local agency from adopting*  
5 *more restrictive policies on the use of unmanned aircraft systems*  
6 *for the protection of a person’s privacy.*

7 14356. ~~“Unmanned aircraft system”~~*As used in this title,*  
8 *“unmanned aircraft system”* means an unmanned aircraft and  
9 associated elements, including communication links and the  
10 components that control the unmanned aircraft, that are required  
11 for the pilot in command to operate safely and efficiently in the  
12 national airspace system.

13 14357. *As used in this title, “surveillance” means the*  
14 *monitoring of persons, places, or events by any means of electronic*  
15 *technology, including, but not limited to, interception, overt or*  
16 *covert observations, photography, or the use of any tracking device.*

17 SEC. 2. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution for certain  
19 costs that may be incurred by a local agency or school district  
20 because, in that regard, this act creates a new crime or infraction,  
21 eliminates a crime or infraction, or changes the penalty for a crime  
22 or infraction, within the meaning of Section 17556 of the  
23 Government Code, or changes the definition of a crime within the  
24 meaning of Section 6 of Article XIII B of the California  
25 Constitution.

26 However, if the Commission on State Mandates determines that  
27 this act contains other costs mandated by the state, reimbursement  
28 to local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.