

AMENDED IN SENATE MAY 5, 2014  
AMENDED IN ASSEMBLY JANUARY 23, 2014  
AMENDED IN ASSEMBLY JANUARY 9, 2014  
AMENDED IN ASSEMBLY APRIL 29, 2013  
AMENDED IN ASSEMBLY APRIL 18, 2013  
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, Bradford, and Quirk  
(Principal coauthor: Assembly Member Muratsuchi)  
(Coauthor: Assembly Member Fox)**

February 22, 2013

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An act to add Section 6254.31 to the Government Code, and 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 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 ~~6 months~~, *one year*, except as specified. Unless authorized by federal law, 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 is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property.

~~The bill would make the restrictions that are applicable to the use of an unmanned aircraft system by a law enforcement agency also applicable to any person, entity, or public agency that uses, operates, or contracts for an unmanned aircraft system.~~ *make its provisions applicable to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.*

Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.

This bill would make *certain* images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. *The bill would prevent images, footage, data, and records obtained through the use of an unmanned aircraft system by a law enforcement agency pursuant to a warrant based on probable cause, and images, footage, data, and records that pertain to a pending criminal investigation, from being subject to disclosure.*

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. Section 6254.31 is added to the Government  
2 Code, to read:

3 6254.31. (a) Notwithstanding any provision of this chapter,  
4 images, footage, or data obtained through the use of an unmanned  
5 aircraft system pursuant to subdivisions (c) or (d) of Section 14350  
6 of the Penal Code, or any record, including, but not limited to,  
7 usage logs or logs that identify any person or entity that  
8 subsequently obtains or requests records of that system, are public  
9 records subject to disclosure.

10 (b) *Notwithstanding any provision of this chapter, images,*  
11 *footage, or data obtained through the use of an unmanned aircraft*  
12 *system, or any record, including, but not limited to, usage logs or*  
13 *logs that identify any person or entity that subsequently obtains*  
14 *or requests records of that system, are not public records subject*  
15 *to disclosure in both of the following instances:*

16 (1) *If the unmanned aircraft system was used pursuant to*  
17 *subdivision (b) of Section 14350 of the Penal Code.*

18 (2) *If the images, footage, data, or records pertain to a pending*  
19 *criminal investigation.*

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

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23 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

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25 14350. (a) A public agency shall not use an unmanned aircraft  
26 system, or contract for the use of an unmanned aircraft system,  
27 except as provided in this title. This title shall apply to all public  
28 and private entities when contracting with a public agency for the  
29 use of an unmanned aircraft system.

30 (b) A law enforcement agency may use an unmanned aircraft  
31 system if it has obtained a warrant based on probable cause  
32 pursuant to this code.

33 (c) (1) A law enforcement agency, without obtaining a warrant,  
34 may use an unmanned aircraft system in emergency situations if  
35 there is an imminent threat to life or of great bodily harm,  
36 including, but not limited to, fires, hostage crises, “hot pursuit”  
37 situations if reasonably necessary to prevent harm to law

1 enforcement officers or others, and search and rescue operations  
2 on land or water.

3 (2) A law enforcement agency, without obtaining a warrant,  
4 may use an unmanned aircraft system to assess the necessity of  
5 first responders in situations relating to traffic accidents, to inspect  
6 state parks and wilderness areas for illegal vegetation, or fires.

7 (d) (1) A public agency other than a law enforcement agency  
8 may use an unmanned aircraft system, or contract for the use of  
9 an unmanned aircraft system, to achieve the core mission of the  
10 agency provided that the purpose is unrelated to the gathering of  
11 criminal intelligence.

12 (2) Except as permitted by this title and when a law enforcement  
13 agency is not required to obtain a warrant as specified in this title,  
14 data collected pursuant to this subdivision shall not be disseminated  
15 to a law enforcement agency unless the agency has obtained a  
16 warrant for the data based on probable cause pursuant to this code.

17 14351. A public agency that uses an unmanned aircraft system,  
18 or contracts for the use of an unmanned aircraft system, pursuant  
19 to this title shall first provide reasonable notice to the public.  
20 Reasonable notice shall, at a minimum, consist of a one-time  
21 announcement regarding the agency’s intent to deploy unmanned  
22 aircraft system technology and a description of the technology’s  
23 capabilities.

24 14352. (a) Except as permitted by this title, images, footage,  
25 or data obtained by a public agency, or any entity contracting with  
26 a public agency, through the use of an unmanned aircraft system  
27 shall not be disseminated outside the collecting *public* agency, and  
28 shall not be used by the *public* agency for any purpose other than  
29 that for which it was collected. Images, footage, or data obtained  
30 through the use of an unmanned aircraft system shall be  
31 permanently destroyed within ~~six months~~, *one year*, except that a  
32 public agency may retain the images, footage, or data for ~~training~~  
33 *purposes the purposes of training, academic research, teaching,*  
34 *and monitoring material assets owned by the public agency*, and  
35 shall retain any image, footage, or data if a warrant authorized its  
36 collection or if the images, footage, or data are evidence in any  
37 claim filed or any pending litigation.

38 (b) Images, footage, or data retained for training purposes shall  
39 be used only for the education and instruction of an agency’s

1 employees in matters related to the mission of the agency and for  
2 no other purpose.

3 (c) *Images, footage, or data retained for academic research or*  
4 *teaching purposes shall be used only for the advancement of*  
5 *research and teaching conducted by California’s public colleges*  
6 *and universities and matters related to the mission of the institution*  
7 *and for no other purpose.*

8 14353. Unless authorized by federal law, a person or entity,  
9 including a public agency subject to Section 14350 or a person or  
10 entity under contract to a public agency, for the purpose of that  
11 contract, shall not equip or arm an unmanned aircraft system with  
12 a weapon or other device that may be carried by or launched from  
13 an unmanned aircraft system and that is intended to cause bodily  
14 injury or death, or damage to, or the destruction of, real or personal  
15 property.

16 14354. All unmanned aircraft systems shall be operated so as  
17 to minimize the collection of images, footage, or data of persons,  
18 places, or things not specified with particularity in the warrant  
19 authorizing the use of an unmanned aircraft system, or, if no  
20 warrant was obtained, for purposes unrelated to the justification  
21 for the operation.

22 14355. (a) This title is not intended to conflict with or  
23 supersede federal law, including rules and regulations of the  
24 Federal Aviation Administration.

25 (b) A local legislative body may adopt more restrictive policies  
26 on the acquisition or use of unmanned aircraft systems.

27 14356. For the purposes of this title, the following definitions  
28 shall apply:

29 (a) “Criminal intelligence” means information compiled,  
30 analyzed, or disseminated in an effort to anticipate, prevent,  
31 monitor, or investigate criminal activity.

32 (b) “Law enforcement agency” means the Attorney General of  
33 the State of California, each district attorney, and each agency of  
34 the State of California authorized by statute to investigate or  
35 prosecute law violators.

36 (c) “Public agency” means and includes each state agency and  
37 each local agency.

38 (d) “Unmanned aircraft system” means an unmanned aircraft  
39 and associated elements, including communication links and the  
40 components that control the unmanned aircraft, that are required

1 for the pilot in command to operate safely and efficiently in the  
2 national airspace system.  
3 14357. The surveillance restrictions on electronic devices  
4 pursuant to Chapter 1.5 (commencing with Section 630) of Title  
5 15 of Part 1 shall apply to unmanned aircraft systems.

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