

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN SENATE MAY 5, 2014

AMENDED IN ASSEMBLY JANUARY 23, 2014

AMENDED IN ASSEMBLY JANUARY 9, 2014

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1327

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

February 22, 2013

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 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 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 *related* 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~~ *except from the disclosure requirements discussed above* 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. if disclosure would endanger the safety of a person involved in a criminal investigation, or would endanger the successful completion of the criminal investigation.~~

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating

the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 *Title 14 (commencing with Section 14350) of Part 4 of the Penal*
7 *Code, or any related record, including, but not limited to, usage*
8 *logs or logs that identify any person or entity that subsequently*
9 *obtains or requests records of that system, are public records*
10 *subject to disclosure.*

11 (b) ~~Notwithstanding any provision of this chapter, subdivision~~
12 ~~(a), nothing in this chapter or any other law requires the disclosure~~
13 ~~of images, footage, or data obtained through the use of an~~
14 ~~unmanned aircraft system, or any related record, including, but~~
15 ~~not limited to, usage logs or logs that identify any person or entity~~
16 ~~that subsequently obtains or requests records of that system, are~~
17 ~~not public records subject to disclosure in both of the following~~
18 ~~instances: to the extent that disclosure of the images, footage, data,~~
19 ~~or records would endanger the safety of a person involved in a~~
20 ~~criminal investigation, or would endanger the successful~~
21 ~~completion of the criminal investigation.~~

22 (1) ~~If the unmanned aircraft system was used pursuant to~~
23 ~~subdivision (b) of Section 14350 of the Penal Code.~~

24 (2) ~~If the images, footage, data, or records pertain to a pending~~
25 ~~criminal investigation.~~

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

28

29 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

30

31 14350. (a) A public agency shall not use an unmanned aircraft
32 system, or contract for the use of an unmanned aircraft system,

1 except as provided in this title. This title shall apply to all public
2 and private entities when contracting with a public agency for the
3 use of an unmanned aircraft system.

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

7 (c) (1) A law enforcement agency, without obtaining a warrant,
8 may use an unmanned aircraft system in emergency situations if
9 there is an imminent threat to life or of great bodily harm,
10 including, but not limited to, fires, hostage crises, “hot pursuit”
11 situations if reasonably necessary to prevent harm to law
12 enforcement officers or others, and search and rescue operations
13 on land or water.

14 (2) A law enforcement agency, without obtaining a warrant,
15 may use an unmanned aircraft system to assess the necessity of
16 first responders in situations relating to traffic accidents, *and* to
17 inspect state parks and wilderness areas for illegal ~~vegetation,~~
18 *vegetation* or fires.

19 (d) ~~(1)~~—A public agency other than a law enforcement agency
20 may use an unmanned aircraft system, or contract for the use of
21 an unmanned aircraft system, to achieve the core mission of the
22 agency provided that the purpose is unrelated to the gathering of
23 criminal intelligence.

24 ~~(2) Except as permitted by this title and when a law enforcement~~
25 ~~agency is not required to obtain a warrant as specified in this title,~~
26 ~~data collected pursuant to this subdivision shall not be disseminated~~
27 ~~to a law enforcement agency unless the agency has obtained a~~
28 ~~warrant for the data based on probable cause pursuant to this code.~~

29 14351. A public agency that uses an unmanned aircraft system,
30 or contracts for the use of an unmanned aircraft system, pursuant
31 to this title shall first provide reasonable notice to the public.
32 Reasonable notice shall, at a minimum, consist of a one-time
33 announcement regarding the agency’s intent to deploy unmanned
34 aircraft system technology and a description of the technology’s
35 capabilities.

36 14352. (a) (1) Except as permitted by this title, images,
37 footage, or data obtained by a public ~~agency, or any entity~~
38 ~~contracting with a public agency, through the use of an unmanned~~
39 ~~aircraft system shall not be disseminated outside the collecting~~
40 ~~public agency, and shall not be used by the public agency for any~~

1 purpose other than that for which it was collected. Images, footage,
2 or data obtained through the use of an unmanned aircraft system
3 shall be permanently destroyed within one year, except that a public
4 agency may retain the images, footage, or data for the purposes of
5 training, academic research, teaching, and monitoring material
6 assets owned by the public agency, and shall retain any image,
7 footage, or data if a warrant authorized its collection or if the
8 images, footage, or data are evidence in any claim filed or any
9 pending litigation. agency, or any entity contracting with a public
10 agency, pursuant to this title shall not be disseminated to a law
11 enforcement agency unless the law enforcement agency has
12 obtained a warrant for the images, footage, or data based on
13 probable cause pursuant to this code, or the law enforcement
14 agency would not have been required to obtain a warrant to collect
15 the images, footage, or data itself, as specified in subdivision (c)
16 of Section 14350.

17 (2) Except as permitted by this title, images, footage, or data
18 obtained by a public agency, or any entity contracting with a public
19 agency, through the use of an unmanned aircraft system shall not
20 be disseminated outside the collecting public agency, unless one
21 of the following circumstances applies:

22 (A) Images, footage, or data obtained by a public agency
23 through the use of an unmanned aircraft system may be
24 disseminated to another public agency that is not a law
25 enforcement agency if the images, footage, or data are related to
26 the core mission of both public agencies involved in the sending
27 or receiving of the images, footage, or data.

28 (B) Images, footage, or data obtained by a public agency
29 through the use of an unmanned aircraft system may be
30 disseminated outside the collecting public agency if the images,
31 footage, or data are evidence in any claim filed or any pending
32 litigation.

33 (C) Images, footage, or data obtained by a public agency
34 through the use of an unmanned aircraft system may be
35 disseminated to a private entity if both of the following conditions
36 are satisfied:

37 (i) The collecting public agency is not a law enforcement agency.

38 (ii) The images, footage, or data are related to the core function
39 of the collecting public agency.

1 (b) Except as permitted by this title, images, footage, or data
2 obtained by a public agency through the use of an unmanned
3 aircraft system shall not be used by the public agency for any
4 purpose other than that for which it was collected.

5 (c) (1) Images, footage, or data obtained through the use of an
6 unmanned aircraft system shall be permanently destroyed within
7 one year, except that a public agency may retain the images,
8 footage, or data in all of the following circumstances:

9 ~~(b)~~

10 (A) For training purposes. Images, footage, or data retained for
11 training purposes shall be used only for the education and
12 instruction of ~~an~~ a public agency’s employees in matters related
13 to the mission of the public agency and for no other purpose.

14 ~~(e)~~

15 (B) For academic research or teaching purposes. Images,
16 footage, or data retained for academic research or teaching purposes
17 shall be used only for the advancement of research and teaching
18 conducted by California’s public colleges and universities and
19 matters related to the mission of the institution and for no other
20 purpose.

21 (C) For purposes of monitoring material assets owned by the
22 public agency.

23 (2) Notwithstanding paragraph (1), a public agency shall retain
24 images, footage, or data obtained through the use of an unmanned
25 aircraft system in both of the following circumstances:

26 (A) If a warrant authorized the collection of the images, footage,
27 or data.

28 (B) If the images, footage, or data are evidence in any claim
29 filed or any pending litigation.

30 14353. Unless authorized by federal law, a person or entity,
31 including a public agency subject to Section 14350 or a person or
32 entity under contract to a public agency, for the purpose of that
33 contract, shall not equip or arm an unmanned aircraft system with
34 a weapon or other device that may be carried by or launched from
35 an unmanned aircraft system and that is intended to cause bodily
36 injury or death, or damage to, or the destruction of, real or personal
37 property.

38 14354. All unmanned aircraft systems shall be operated so as
39 to minimize the collection of images, footage, or data of persons,
40 places, or things not specified with particularity in the warrant

1 authorizing the use of an unmanned aircraft system, or, if no
2 warrant was obtained, for purposes unrelated to the justification
3 for the operation.

4 14355. (a) This title is not intended to conflict with or
5 supersede federal law, including rules and regulations of the
6 Federal Aviation Administration.

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

9 14356. For the purposes of this title, the following definitions
10 shall apply:

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

14 (b) “Law enforcement agency” means the Attorney General of
15 the State of California, each district attorney, and each agency of
16 the State of California authorized by statute to investigate or
17 prosecute law violators.

18 (c) “Public agency” means and includes each state agency and
19 each local agency.

20 (d) “Unmanned aircraft system” means an unmanned aircraft
21 and associated elements, including communication links and the
22 components that control the unmanned aircraft, that are required
23 for the pilot in command to operate safely and efficiently in the
24 national airspace system.

25 14357. The surveillance restrictions on electronic devices
26 pursuant to Chapter 1.5 (commencing with Section 630) of Title
27 15 of Part 1 shall apply to unmanned aircraft systems.

28 *SEC. 3. The Legislature finds and declares that Section 1 of*
29 *this act, which adds Section 6254.31 of the Government Code,*
30 *imposes a limitation on the public’s right of access to the meetings*
31 *of public bodies or the writings of public officials and agencies*
32 *within the meaning of Section 3 of Article I of the California*
33 *Constitution. Pursuant to that constitutional provision, the*
34 *Legislature makes the following findings to demonstrate the interest*
35 *protected by this limitation and the need for protecting that*
36 *interest:*

37 *In order to ensure the safety of persons involved in criminal*
38 *investigations and to preserve the integrity of those investigations,*
39 *it is necessary that this act take effect.*

O