

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 56**

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**Introduced by Assembly Member Quirk**  
*(Principal coauthor: Assembly Member Campos)*

December 2, 2014

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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 56, as amended, Quirk. 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, including when the use or operation of the unmanned aircraft system achieves the core mission of the agency and the purpose is unrelated to the gathering of criminal intelligence, as defined.

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 reasonable public notice, or a set of guidelines, to be made available to the public by law enforcement 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. The bill would generally prohibit images, footage, or data obtained through the use of an unmanned aircraft system under these provisions from being disseminated outside the collecting public agency, 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 also provide that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a public agency.

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 except from the disclosure requirements discussed above images, footage, data, and records obtained through the use of an unmanned aircraft system if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the 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.

Because this bill would require local entities to comply with additional rules and requirements regarding the use of information obtained from unmanned aircraft systems, it would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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. 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 Title 14 (commencing with Section  
6 14350) of Part 4 of the Penal Code, or any related record, including,  
7 but not limited to, usage logs or logs that identify any person or  
8 entity that subsequently obtains or requests records of that system,  
9 are public records subject to disclosure.

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

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

21

22 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

23

24 14350. (a) A public agency shall not use an unmanned aircraft  
25 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 over public lands, highways, and spaces open to the public*  
6 *without a warrant.*

7 ~~(b)~~

8 (c) A law enforcement agency may use an unmanned aircraft  
9 system *under 400 feet above ground level over private property*  
10 if it has obtained *consent from the property owner or a warrant*  
11 based on probable cause pursuant to this code.

12 ~~(c)~~

13 (d) A law enforcement agency, without *consent from the*  
14 *property owner or obtaining a warrant*, may use an unmanned  
15 aircraft system in all of the following circumstances *over private*  
16 *property*:

17 (1) In emergency situations if there is an imminent threat to life  
18 or of great bodily harm, including, but not limited to, fires, hostage  
19 crises, “hot pursuit” situations if reasonably necessary to prevent  
20 harm to law enforcement officers or others, and search and rescue  
21 operations on land or water.

22 (2) To assess the necessity of first responders *and process scenes*  
23 in situations relating to traffic accidents.

24 (3) *To document traffic collision and crime scenes.*

25 (4) *To inspect state parks and wilderness areas for illegal*  
26 *vegetation or fires, regardless of permanent improvements or*  
27 *temporary human habitation.*

28 ~~(3) (A) To inspect state parks and wilderness areas for illegal~~  
29 ~~vegetation or fires.~~

30 ~~(B) For purposes of this paragraph, “wilderness areas” means~~  
31 ~~public lands without permanent improvements or human habitation.~~

32 ~~(4)~~

33 (5) To determine the appropriate response to an imminent or  
34 existing environmental emergency or disaster, including, but not  
35 limited to, oils spills or chemical spills.

36 ~~(5)~~

37 (e) A public agency other than a law enforcement agency may  
38 use an unmanned aircraft system, or contract for the use of an  
39 unmanned aircraft system, to achieve the core mission of the

1 agency provided that the purpose is unrelated to the gathering of  
2 criminal intelligence.

3 (e)

4 (f) A public agency that is not primarily a law enforcement  
5 agency, but that employs peace officers or performs functions  
6 related to criminal investigations, may use an unmanned aircraft  
7 system without obtaining a warrant to achieve the core mission of  
8 the agency provided that the purpose is unrelated to the gathering  
9 of criminal intelligence, and that the images, footage, or data are  
10 not used for any purpose other than that for which it was collected.

11 14351. (a) A public agency that uses an unmanned aircraft  
12 system, or contracts for the use of an unmanned aircraft system,  
13 pursuant to this title shall first provide reasonable notice to the  
14 public. Reasonable notice shall, at a minimum, consist of a  
15 one-time announcement regarding the agency's intent to deploy  
16 unmanned aircraft system technology and a description of the  
17 technology's capabilities.

18 (b) *A law enforcement agency that uses an unmanned aircraft*  
19 *system shall first provide reasonable notice to the public or to the*  
20 *governing board, or create a set of guidelines, which will be made*  
21 *available to the public. Reasonable notice or the guidelines shall,*  
22 *at a minimum, consist of a one-time announcement regarding the*  
23 *agency's intent to deploy unmanned aircraft system technology,*  
24 *a description of the technology's capabilities, and what the*  
25 *technology will and will not be used for.*

26 14352. (a) (1) (A) Except as permitted by this title, images,  
27 footage, or data obtained by a public agency, or any entity  
28 contracting with a public agency, *over private property and*  
29 *pursuant to this title shall not be disseminated to a law enforcement*  
30 *agency unless the law enforcement agency has obtained consent*  
31 *from the property owner or a warrant for the images, footage, or*  
32 *data based on probable cause pursuant to this code, or the law*  
33 *enforcement agency would not have been required to obtain a*  
34 *warrant to collect the images, footage, or data itself, as specified*  
35 *in Section 14350.*

36 (B) A public agency that is not primarily a law enforcement  
37 agency, but that employs peace officers or performs functions  
38 related to criminal investigations, may disseminate images, footage,  
39 or data collected pursuant to Section 14350 if the dissemination  
40 is to others within that agency.

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

6 (A) Images, footage, or data obtained by a public agency through  
7 the use of an unmanned aircraft system may be disseminated to  
8 another public agency that is not a law enforcement agency if the  
9 images, footage, or data are related to the core mission of both  
10 public agencies involved in the sending or receiving of the images,  
11 footage, or data.

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

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

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

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

23 (3) A public agency may make available to the public images,  
24 footage, or data obtained by the public agency through the use of  
25 an unmanned aircraft system if both of the following conditions  
26 are satisfied:

27 (A) The images, footage, or data do not depict or describe any  
28 individual or group of individuals, or the activities of any individual  
29 or group of individuals whose identity or identities can be  
30 ascertained.

31 (B) The disclosure of the images, footage, or data is required  
32 to fulfill the public agency's statutory or mandatory obligations.

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

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

1 (A) For training purposes. Images, footage, or data retained for  
2 training purposes shall be used only for the education and  
3 instruction of a public agency's employees in matters related to  
4 the mission of the public agency and for no other purpose.

5 (B) For academic research or teaching purposes. Images,  
6 footage, or data retained for academic research or teaching purposes  
7 shall be used only for the advancement of research and teaching  
8 conducted by an academic or research institution and matters  
9 related to the mission of the institution and for no other purpose.

10 (C) For purposes of monitoring material assets owned by the  
11 public agency.

12 (D) For environmental, public works, or land use management  
13 or planning by the public agency.

14 (2) Notwithstanding paragraph (1), a public agency may retain  
15 beyond one year images, footage, or data obtained through the use  
16 of an unmanned aircraft system in both of the following  
17 circumstances:

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

20 (B) If the images, footage, or data are evidence in any claim  
21 filed or any pending litigation or enforcement proceeding.

22 14353. Unless authorized by federal law, a person or entity,  
23 including a public agency subject to Section 14350 or a person or  
24 entity under contract to a public agency, for the purpose of that  
25 contract, shall not equip or arm an unmanned aircraft system with  
26 a weapon or other device that may be carried by or launched from  
27 an unmanned aircraft system and that is intended to cause bodily  
28 injury or death, or damage to, or the destruction of, real or personal  
29 property.

30 14354. All unmanned aircraft systems shall be operated so as  
31 to minimize the collection of images, footage, or data of persons,  
32 places, or things not specified with particularity in the warrant  
33 authorizing the use of an unmanned aircraft system, or, if no  
34 warrant was obtained, for purposes unrelated to the justification  
35 for the operation.

36 14355. (a) This title is not intended to conflict with or  
37 supersede federal law, including rules and regulations of the  
38 Federal Aviation Administration.

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

1 14356. For the purposes of this title, the following definitions  
2 shall apply:

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

6 (b) “Law enforcement agency” means the Attorney General of  
7 the State of California, each district attorney, and each agency of  
8 the State of California authorized by statute to investigate or  
9 prosecute law violators.

10 (c) “Public agency” means and includes each state agency and  
11 each local agency.

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

17 14357. Except as provided in this title, the surveillance  
18 restrictions on electronic devices described in Chapter 1.5  
19 (commencing with Section 630) of Title 15 of Part 1 shall apply  
20 to the use or operation of an unmanned aircraft system by a public  
21 agency.

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

30 In order to ensure the safety of persons involved in investigations  
31 and to preserve the integrity of those investigations, it is necessary  
32 that this act take effect.

33 SEC. 4. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district under this act would result from a legislative mandate that  
37 is within the scope of paragraph (7) of subdivision (b) of Section  
38 3 of Article I of the California Constitution.

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