

AMENDED IN SENATE SEPTEMBER 4, 2015  
AMENDED IN SENATE SEPTEMBER 1, 2015  
AMENDED IN SENATE JULY 16, 2015  
AMENDED IN SENATE JULY 7, 2015  
AMENDED IN SENATE JUNE 24, 2015  
AMENDED IN ASSEMBLY APRIL 22, 2015  
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 law enforcement agencies from using unmanned aircraft systems, obtaining an unmanned aircraft system from another public agency by contract, loan, or other arrangement, or using information obtained from an unmanned aircraft system used by another public agency, except as provided by the bill's provisions. The bill would authorize a law enforcement agency to use an unmanned aircraft system if the law enforcement agency complies with specified requirements, including, among others, that before the use of an unmanned aircraft system, the law enforcement agency develops, makes available to the public, and, at least once every 3 years, reviews, a policy on the use of an unmanned aircraft system, as provided, and that the law enforcement agency complies with all applicable federal, state, and local law and the unmanned aircraft system policy developed by the law enforcement agency pursuant to the bill's provisions. The bill would require a law enforcement agency that uses an unmanned aircraft system to ensure that information and data gathered through the use of the system is protected with reasonable operational, administrative, technical, and physical safeguards, and to implement and maintain reasonable security procedures and practices in order to protect information and data gathered through the use of that system from unauthorized access, destruction, use, modification, or disclosure. The bill would prohibit a law enforcement agency from using an unmanned aircraft system to surveil private property unless, among other justifications, the law enforcement agency obtains a search warrant.

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 or directed from, an unmanned aircraft system and that is intended to cause incapacitation, bodily injury or death, or damage to, or the destruction of, real or personal property. By creating a new crime, the bill would impose a state-mandated local program. The bill would require a law enforcement agency that operates an unmanned aircraft system to keep a record of the use of that system, including information on whether a search

warrant was sought before the system was used, and, in situations where a warrant was sought, whether the warrant was granted or denied. 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 law enforcement agency.

The bill would make its provisions applicable to all law enforcement agencies and private entities when contracting with or acting as the agent of a law enforcement agency for the use of an unmanned aircraft system.

The bill would authorize an individual who has been harmed by a violation of the bill's provisions to bring a civil action in any court of competent jurisdiction against a person who knowingly caused that violation, would authorize the court to award attorney's fees, as specified, and would specify that the bill's provisions do not impair or impede any other rights, causes of action, claims, or defenses available under other law and that the remedies provided by the bill's provisions are cumulative with any other remedies available under other law.

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

20 ~~SECTION 1.~~ Title 14 (commencing with Section 14350) is  
21 added to Part 4 of the Penal Code, to read:

22

23 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

24

25 14350. (a) A law enforcement agency shall not use an  
26 unmanned aircraft system, obtain an unmanned aircraft system  
27 from another public agency by contract, loan, or other arrangement,  
28 or use information obtained from an unmanned aircraft system  
29 used by another public agency, except as provided in this title.  
30 This title shall apply to all law enforcement agencies and private

1 entities when contracting with or acting as the agent of a law  
2 enforcement agency for the use of an unmanned aircraft system.

3 (b) A law enforcement agency may use an unmanned aircraft  
4 system, or use information obtained from an unmanned aircraft  
5 system used by another public agency, if the law enforcement  
6 agency complies with the requirements of this title and all  
7 applicable federal, state, and local law.

8 (c) If the use of an unmanned aircraft system by a local law  
9 enforcement agency may involve the collection of images, footage,  
10 or data from another county, city, or city and county, the law  
11 enforcement agency shall obtain a warrant based on probable cause,  
12 unless an exigent circumstance exists.

13 (d) (1) A law enforcement agency shall develop a policy on  
14 the use of unmanned aircraft systems and train the law enforcement  
15 agency's officers and employees on the policy, before the use of  
16 the unmanned aircraft system. This policy shall be made available  
17 to the public in writing, and, if the law enforcement agency has  
18 an Internet Web site, the policy shall be posted conspicuously on  
19 that Internet Web site.

20 (2) A law enforcement agency shall use the unmanned aircraft  
21 system consistent with the policy developed pursuant to this  
22 subdivision.

23 (3) Before finalizing the policy required by this subdivision,  
24 the law enforcement agency shall present the proposed policy at  
25 a regularly scheduled and noticed public meeting of its governing  
26 body with an opportunity for public comment.

27 (4) The policy required by this subdivision shall specify, at a  
28 minimum, all of the following:

29 (A) How the collection, use, maintenance, sharing, and  
30 dissemination of information and data gathered through the use of  
31 an unmanned aircraft system is consistent with respect for an  
32 individual's privacy and civil liberties.

33 (B) The authorized purposes for using an unmanned aircraft  
34 system and for collecting information or data using that technology,  
35 including the circumstances under which an unmanned aircraft  
36 system may and may not be used. The policy shall identify any  
37 time limits applicable to the use of an unmanned aircraft system  
38 and the rules and procedures to be followed before such use.

39 (C) A description of the employees who are authorized to use  
40 or access information or data collected through the use of an

1 unmanned aircraft system. The policy shall identify the training  
2 requirements necessary for those authorized employees, as well  
3 as the circumstances under which they may use or access this  
4 information or data.

5 (D) A description of how the use of an unmanned aircraft system  
6 will be monitored to ensure compliance with all applicable privacy  
7 laws and a process for periodic system audits.

8 (E) A description of reasonable measures that will be used to  
9 ensure the accuracy of information or data gathered through the  
10 use of an unmanned aircraft system, and a process to correct errors.

11 (F) A description of how the law enforcement agency will  
12 comply with the security procedures and practices implemented  
13 and maintained pursuant to subdivision (e).

14 (G) The official custodian or owner of information or data  
15 gathered through the use of an unmanned aircraft system, and the  
16 employee or employees that have the responsibility and  
17 accountability for implementing this subdivision.

18 (H) The purpose of, and process for, sharing or disseminating  
19 information or data gathered through the use of an unmanned  
20 aircraft system with other law enforcement agencies and public  
21 agencies. The policy shall also identify how the use or further  
22 sharing or dissemination of that information or data will be  
23 restricted in order to ensure respect for an individual's privacy and  
24 civil liberties.

25 (I) The manner in which information obtained from another  
26 public agency will be used.

27 (J) Mechanisms to ensure the policy is followed.

28 (K) The policy shall prohibit the use of an unmanned aircraft  
29 system solely for the purpose of monitoring activities protected  
30 by the First Amendment to the United States Constitution, or the  
31 lawful exercise of other rights secured by the United States  
32 Constitution, the California Constitution, and federal and state  
33 law. The policy shall also prohibit the use of an unmanned aircraft  
34 system to engage in discrimination on the basis of race, ethnicity,  
35 gender, national origin, religion, sexual orientation, or gender  
36 identity.

37 (5) The policy required by this subdivision shall be reviewed  
38 at least once every three years to evaluate whether changes may  
39 be needed as a result of innovations or developments in unmanned  
40 aircraft system technology, to identify potential risks to individual

1 privacy and civil liberties, and to ensure compliance with existing  
2 laws and regulations.

3 (e) A law enforcement agency that uses an unmanned aircraft  
4 system shall ensure that information and data gathered through  
5 the use of the system is protected with reasonable operational,  
6 administrative, technical, and physical safeguards to ensure its  
7 confidentiality and integrity. A law enforcement agency that uses  
8 an unmanned aircraft system shall implement and maintain  
9 reasonable security procedures and practices in order to protect  
10 information and data gathered through the use of that system from  
11 unauthorized access, destruction, use, modification, or disclosure.

12 (f) A law enforcement agency shall not use an unmanned aircraft  
13 system, or information obtained from an unmanned aircraft system  
14 used by another public agency, to surveil private property unless  
15 the law enforcement agency has obtained either of the following:

16 (1) A search warrant based on probable cause.

17 (2) The express permission of the person or entity with the legal  
18 authority to authorize a search of the specific private property to  
19 be subjected to surveillance.

20 (g) Notwithstanding subdivision (f), a law enforcement agency  
21 may use an unmanned aircraft system to surveil private property  
22 if an exigent circumstance exists, including, but not limited to,  
23 either of the following circumstances:

24 (1) In emergency situations if there is an imminent threat to life  
25 or of great bodily harm, including, but not limited to, fires, hostage  
26 crises, barricaded suspects, “hot pursuit” situations if reasonably  
27 necessary to prevent harm to law enforcement officers or others,  
28 and search and rescue operations on land or water.

29 (2) To determine the appropriate response to an imminent or  
30 existing environmental emergency or disaster, including, but not  
31 limited to, oil spills or chemical spills.

32 14351. (a) Images, footage, or data obtained through the use  
33 of an unmanned aircraft system shall be permanently destroyed  
34 within one year, except that a law enforcement agency may retain  
35 the images, footage, or data in both of the following circumstances:

36 (1) For training purposes. Images, footage, or data retained for  
37 training purposes shall be used only for the education and  
38 instruction of a law enforcement agency’s employees in matters  
39 related to the mission of the law enforcement agency and for no  
40 other purpose.

1 (2) For academic research or teaching purposes. Images, footage,  
2 or data retained for academic research or teaching purposes shall  
3 be used only for the advancement of research and teaching  
4 conducted by an academic or research institution and matters  
5 related to the mission of the institution and for no other purpose.

6 (b) Notwithstanding subdivision (a), a law enforcement agency  
7 may retain beyond one year images, footage, or data obtained  
8 through the use of an unmanned aircraft system in both of the  
9 following circumstances:

10 (1) If a search warrant authorized the collection of the images,  
11 footage, or data.

12 (2) If the images, footage, or data are evidence in any claim  
13 filed or any pending litigation, internal disciplinary proceeding,  
14 enforcement proceeding, or criminal investigation.

15 14352. Unless authorized by federal law, a person or entity,  
16 including a law enforcement agency subject to Section 14350 or  
17 a person or entity under contract to a law enforcement agency, for  
18 the purpose of that contract, shall not equip or arm an unmanned  
19 aircraft system with a weapon or other device that may be carried  
20 by, or launched or directed from, an unmanned aircraft system and  
21 that is intended to cause incapacitation, bodily injury or death, or  
22 damage to, or the destruction of, real or personal property.

23 14353. All unmanned aircraft systems shall be operated so as  
24 to minimize the collection of images, footage, or data of persons,  
25 places, or things not specified with particularity in the warrant  
26 authorizing the use of an unmanned aircraft system, or, if no  
27 warrant was obtained, for purposes unrelated to the justification  
28 for the operation.

29 14354. A law enforcement agency that operates an unmanned  
30 aircraft system shall keep a record of the use of that system, which  
31 shall include information on whether a search warrant was sought  
32 before the system was used, and, in situations where a warrant was  
33 sought, whether the warrant was granted or denied.

34 14355. (a) This title is not intended to conflict with or  
35 supersede federal law, including rules and regulations of the  
36 Federal Aviation Administration.

37 (b) A local legislative body may adopt more restrictive policies  
38 than those specified in state law on the acquisition, use, or retention  
39 of unmanned aircraft systems.



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

3 (a) (1) “Law enforcement agency” means the Attorney General,  
4 each district attorney, and each agency of the state or political  
5 subdivision of the state authorized by statute to investigate or  
6 prosecute law violators and that employs peace officers.

7 (2) Notwithstanding paragraph (1), a public agency with a core  
8 mission to protect an environmental resource is not a law  
9 enforcement agency for purposes of this title when the agency is  
10 performing an act directly connected to the agency’s core mission.

11 (b) “*Surveil*” means the purposeful observation of a person or  
12 private property with the intent of gathering criminal intelligence.

13 ~~(b)~~

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

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

24 14358. An individual who has been harmed by a violation of  
25 this title may bring a civil action in any court of competent  
26 jurisdiction against a person who knowingly caused that violation.  
27 In addition to any other sanctions, penalties, or remedies provided  
28 by law, the court may award attorneys’ fees pursuant to Section  
29 1021.5 of the Code of Civil Procedure. This title does not impair  
30 or impede any other rights, causes of action, claims, or defenses  
31 available under other law. The remedies provided in this title are  
32 cumulative with any other remedies available under other law.

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

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

4 ~~SEC. 4. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district under this act would result either from a legislative mandate  
8 that is within the scope of paragraph (7) of subdivision (b) of  
9 Section 3 of Article I of the California Constitution, or because  
10 this act creates a new crime or infraction, eliminates a crime or  
11 infraction, or changes the penalty for a crime or infraction, within  
12 the meaning of Section 17556 of the Government Code, or changes  
13 the definition of a crime within the meaning of Section 6 of Article  
14 XIII B of the California Constitution.~~

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