

A BILL

To provide for limitations on the use of evidence obtained from the domestic use of drones and to preclude the domestic use of drones equipped with anti-personnel devices.

Be it enacted by the [state legislature],

Section 1. Short Title.

This Act may be cited as the “Freedom From Drone Surveillance Act.”

Section 2. Definitions.

For the purposes of this Act:

“Unmanned Aircraft” has the same meaning as in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

“Anti-personnel device” means any projectile, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact a human being.

“Domestic use” means use within the United States as defined in 18 U.S.C. § 5.

Section 3. Limitation on use of evidence obtained by drones.

No information obtained by the domestic use of any Unmanned Aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) shall be introduced into evidence in the courts of this state for any purpose, regardless of what entity, public or private, obtained the information or for what purpose.

Section 4. Limitation on drones equipped with anti-personnel devices.

Except in the case of a bona fide National Emergency, no state agency or officer may authorize the domestic use, including granting a permit to use, of an Unmanned Aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) equipped with any anti-personnel device.

Any persons suffering personal injury or property damage as a result of the prohibited use of an Unmanned Aircraft shall have a cause of action for battery and for the value of the property lost or damaged. The cause of action may be asserted against all persons who used or authorized the use of such Unmanned Aircraft. Whether or not compensatory damages are awarded, a person suffering personal injury or property damage may be awarded punitive damages up to the statutory maximum for each infraction, as well as the costs of bringing the action and reasonable attorney's fees.

Section 5. Compliance with Administrative Procedure Act [reference to state code section] required.

Notwithstanding any contrary provisions elsewhere in the Code or regulations of [state], decisions of state and local governmental agencies to purchase Unmanned Aircraft or to enter into contracts for any services to be provided by third parties involving the use of Unmanned Aircraft, shall be made in accordance with the provisions of the [state] Administrative Procedure Act [reference to state code section], including, but not limited to, all requirements for public notice and comment.

Any state and local agency which purchases Unmanned Aircraft or enters into a contract for any services to be provided by third parties involving the use of Unmanned Aircraft shall also adopt standard protocols and guidelines for the use of Unmanned Aircraft that are designed to maximize protections for citizen privacy. Notwithstanding any contrary provisions elsewhere in the Code or regulations of [state], the adoption of such standard protocols and guidelines shall be done in accordance with the provisions of the [state] Administrative Procedure Act [reference to state code section], including, but not limited to, all requirements regarding public notice and comment.