

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 Senate and House of Representatives of the United States of America in Congress assembled,

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.

Title 18 of the United States Code is amended by adding after Chapter 205 a new Chapter 205A, as follows:

“§ 3119. 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) by Federal agencies shall be introduced into evidence in a Federal court 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 declared by the President under 50 U.S.C. § 1621, no Federal agency 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.

The United States hereby specifically waives immunity for tort claims arising from the prohibited use of an Unmanned Aircraft and is subject to claims for such prohibited use under the Federal Tort Claims Act, 28 U.S.C. § 2674, et seq. Whether compensatory damages are awarded or the plaintiff is awarded only nominal damages, the plaintiff may be awarded punitive damages up to the statutory maximum for each infraction, as well as the costs of bringing the action and reasonable attorneys’ fees. The United States hereby specifically waives immunity for such punitive damages, costs and reasonable attorney’s fees.