

SECOND REGULAR SESSION

# HOUSE BILL NO. 1204

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WILSON.

5029H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 305, RSMo, by adding thereto four new sections relating to aerial surveillance, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 305, RSMo, is amended by adding thereto four new sections, to be known as sections 305.635, 305.637, 305.639, and 305.641, to read as follows:

**305.635. 1. Sections 305.635 to 305.641 shall be known and may be cited as the "Preserving Freedom from Unwarranted Surveillance Act".**

**2. As used in sections 305.635 to 305.641, the following terms shall mean:**

**(1) "Drone", any powered, aerial vehicle that:**

**(a) Does not carry a human operator;**

**(b) Uses aerodynamic forces to provide vehicle lift;**

**(c) Can fly autonomously or be piloted remotely;**

**(d) Can be expendable or recoverable; and**

**(e) Can carry a lethal or non-lethal payload;**

**(2) "Manned aircraft", an aircraft that is operated by a human on board the aircraft;**

**(3) "Model aircraft", an unmanned aircraft that is:**

**(a) Capable of sustained flight in the atmosphere;**

**(b) Flown within visual line of sight of the person remotely operating the aircraft;**

**and**

**(c) Flown for hobby or recreational purposes;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           (4) "State law enforcement agency", any state law enforcement agency in the state.  
18   The term "state law enforcement agency" shall not include the Missouri department of  
19   corrections, any county or municipal law enforcement agency in the state, or any state,  
20   county, or municipal fire department;

21           (5) "Unmanned aircraft", an aircraft that is operated without the possibility of  
22   direct human intervention from within or on the aircraft.

          305.637. 1. No person, entity, or state agency shall use a drone or other unmanned  
2   aircraft to gather evidence or other information pertaining to criminal conduct or conduct  
3   in violation of a statute or regulation except to the extent authorized in a warrant.

4           2. No person, entity, or state agency shall use a drone or other unmanned aircraft  
5   to conduct surveillance or observation of any individual, property owned by an individual,  
6   farm, or agricultural industry without the consent of that individual, property owner, farm  
7   or agricultural industry.

8           3. No person, group of persons, entity, or organization, including, but not limited  
9   to, journalists, reporters, or news organizations, shall use a drone or other unmanned  
10   aircraft to conduct surveillance of any individual or property owned by an individual or  
11   business without the consent of that individual or property owner.

          305.639. 1. This act does not prohibit the use of a manned aircraft, drone, or  
2   unmanned aircraft by:

3           (1) A state law enforcement agency;

4           (2) A Missouri-based higher education institution conducting educational, research,  
5   or training programs within the scope of its mission, grant requirements, curriculum or  
6   collaboration with the United States Department of Defense;

7           (3) A manufacturer or seller:

8           (a) Engaged in the research, development, or testing of a manned aircraft, drone,  
9   or unmanned aircraft; and

10          (b) Operating a manned aircraft, drone, or unmanned aircraft:

11          a. In accordance with such manufacturer's or seller's standard flight operating  
12   procedures, including flight procedures for research, development, operational and  
13   developmental test and evaluation, training, and market survey;

14          b. On a flight to or from an airport, airfield, remote site, or runway, including an  
15   airfield or runway used for research, testing, or development purposes; or

16          c. In the process of taking off or landing; or

17          (4) Any rural electric cooperative or public utility company regulated by the public  
18   service commission, provided that:

19           (a) The public utility's drone use is permitted by a tariff approved by the  
20 commission; and

21           (b) The rural electric cooperative's or public utility's use is limited to observing,  
22 inspecting, or securing its infrastructure and facilities necessary or useful in the provision  
23 of its services to the ratepayers. Information gathered by a rural electric cooperative or  
24 public utility shall not be distributed or made available to any party other than another  
25 rural electric cooperative or public utility, or their respective agents reasonably requiring  
26 it for utility purposes.

27           2. This act does not prohibit the use of a model aircraft.

          305.641. 1. Any aggrieved party may in a civil action obtain all appropriate relief  
2 to prevent or remedy a violation of this act.

3           2. No information obtained or collected in violation of this act may be admissible  
4 as evidence in a criminal proceeding in any court of law in the state or in an administrative  
5 hearing.

6           3. Sovereign immunity for the state of Missouri is waived for any civil action  
7 resulting from a violation of sections 305.635 to 305.641.

          Section B. Because immediate action is necessary to protect Missourians from invasions  
2 of privacy in the state, the enactment of sections 305.635, 305.637, 305.639, and 305.641 of  
3 section A of this act is deemed necessary for the immediate preservation of the public health,  
4 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of  
5 the constitution, and the enactment of sections 305.635, 305.637, 305.639, and 305.641 of  
6 section A of this act shall be in full force and effect upon its passage and approval.

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