

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1204
97TH GENERAL ASSEMBLY

5029H.06P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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 or any state, county, or municipal fire department;

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

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

5 2. A law enforcement agency, without obtaining a warrant, may use a drone or
6 unmanned aircraft in emergency situations if there is an imminent threat to life or of great
7 bodily harm, including but not limited to fires, hostage crises, hot pursuit situations if
8 reasonably necessary to prevent harm to law enforcement officers or others, and search
9 and rescue operations on land or water. A law enforcement agency, without obtaining a
10 warrant, may use a drone or unmanned aircraft to assess the necessity of first responders
11 in situations relating to traffic accidents or fires or to inspect state parks and conservation
12 areas for illegal vegetation. Nothing in sections 305.635 to 305.641 shall be construed to
13 prohibit any law enforcement officer from gathering evidence under the plain view
14 doctrine.

15 3. No person, entity, or state agency shall use a drone or other unmanned aircraft
16 to conduct surveillance or observation of any individual, property owned by an individual,
17 farm, or agricultural industry without the consent of that individual, property owner,
18 farm, or agricultural industry except to the extent authorized in a warrant.

 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 or any county or municipal law enforcement
4 agency in the state to the extent authorized in a warrant;

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

8 (3) A manufacturer or seller:

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

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

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

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

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

18 (4) Any rural electric cooperative, public utility as defined in section 386.020, public
19 utility as defined by Section 201 of the Federal Power Act, or electrical corporation
20 required by its bylaws to operate under the provisions of subsection 2 of section 393.110,
21 provided that:

22 (a) The public utility's drone use is not prohibited by the public service commission
23 or the Federal Energy Regulatory Commission, as applicable; and

24 (b) The drone used by such rural electric cooperative, public utility, or electrical
25 corporation is used to observe, inspect, or secure, or gather information regarding its
26 infrastructure and facilities that is necessary or useful in the provision of its services to its
27 consumers or customers. Information so gathered shall not be distributed or made
28 available to any party other than another rural electric cooperative, public utility, or their
29 respective agents, as reasonably required for utility purposes or as required by state or
30 federal law;

31 (5) Any person who has a purpose to disseminate to the public a newspaper, book,
32 magazine, broadcast, or other similar form of public communication, including
33 dissemination by computer or other electronic means;

34 (6) Any real estate agent or broker licensed in this state or any person acting on
35 behalf of such real estate agent or broker in connection with the marketing, sale, or
36 financing of real property;

37 (7) Any branch of the United States Armed Forces or the National Guard; and

38 (8) Any professional engaged in surveying, mapping, or engineering.

39 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.

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