

HCS HBs 178, 179 & 401 -- SURVEILLANCE

SPONSOR: Van Schoiack

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Homeland Security by a vote of 8 to 0. Voted "Do Pass" by the Standing Committee on Rules- Regulatory Oversight by a vote of 10 to 0.

The following is a summary of the House Committee Substitute for HB 178.

This bill establishes the "Preserving Freedom from Unwarranted Surveillance Act". This bill provides that no state agency or county or municipal law enforcement agency may use a drone or other unmanned aircraft, as defined in the bill, to gather evidence or other information pertaining to criminal conduct, except to the extent authorized in a warrant. A law enforcement agency may use a drone or unmanned aircraft in response to state, national, or local emergency situations, as described in the bill.

No person, entity, or state agency may use a drone or other unmanned aircraft to conduct surveillance or observation of any individual or property, as described in the bill, without the consent of that individual or property owner. No person, entity, or state agency may launch or operate an unmanned aircraft on private property, or within a vertical distance of 400 feet from the ground within a private property line, without permission from the property owner.

This bill does not prohibit the use of a manned aircraft, drone, or unmanned aircraft for purposes listed in the bill, including a person performing duties on behalf of a fire department; higher education institution in the state conducting educational, research, or training programs; certain activities of manufacturers or sellers of aircraft and drones; certain activities of public utilities; for use by any branch of the United States Armed Forces or National Guard. This bill does not prohibit the use of model aircraft.

Any aggrieved party may in a civil action obtain all appropriate relief to prevent or remedy a violation of the provisions of this bill.

This bill changes the offense of unlawful use of an unmanned aircraft over an open-air facility from an infraction to a class A misdemeanor.

Currently, employees of a state agency or a political subdivision are prohibited from placing a surveillance camera or game camera on private property without the consent of the landowner or landowner's designee, a search warrant, or permission from the highest ranking law enforcement chief or officer of the agency under certain conditions. This bill removes the ability for the highest ranking law enforcement chief or officer to approve the placement of a camera on private property.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill protects property rights. Property rights and ownership of land extends up to the sky above and down through the earth below. This bill protects the settled right of landowners to the air above their property. This bill is important for farmers to protect their lands. This bill also has important carve-outs for security purposes.

Testifying in person for the bill were Representative Van Schoiack; Missouri Farm Bureau; Missouri Cattlemens Association; Missouri Realtors; Missouri Railroad Assn; and Mo Broadband Providers.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.