

HB 1609 -- SURVEILLANCE

SPONSOR: Van Schoiack

This bill establishes the "Preserving Freedom from Unwarranted Surveillance Act".

The 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. A person, entity, or state agency shall only launch or operate a drone or other unmanned aircraft within the operating limitations provided in 14 CFR 107.51. No person, entity, or state agency shall launch or operate a drone or other unmanned aircraft within the property line of private property without the consent of the property owner or occupant.

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; or a professional engaged in surveying or mapping. 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.

No information obtained in violation of the provisions of this bill shall be admissible as evidence in a criminal proceeding.

Sovereign immunity for the state is waived for any civil action resulting from 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 repeals the ability for the highest ranking law enforcement chief or officer to approve the placement of a camera on private property.

This bill is the same as HCS HBs 178, 179 & 401 (2023).