

AMENDED IN ASSEMBLY JANUARY 23, 2014

AMENDED IN ASSEMBLY JANUARY 9, 2014

AMENDED IN ASSEMBLY APRIL 29, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY APRIL 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1327

**Introduced by Assembly Members Gorell and Bradford, and Quirk
(Principal coauthor: Assembly Member Muratsuchi)
(Coauthor: Assembly Member Fox)**

February 22, 2013

An act to add *Section 6254.31 to the Government Code, and to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, and to add Section 6254.31 to the Government Code*, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 1327, as amended, Gorell. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems, as defined, with certain exceptions applicable to law enforcement agencies and in certain other cases.

The bill would require reasonable public notice to be provided by public agencies intending to deploy unmanned aircraft systems, as specified. The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within 6 months, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property.

The bill would make the restrictions that are applicable to the use of an unmanned aircraft system by a law enforcement agency also applicable to any person, entity, or public agency that uses, operates, or contracts for an unmanned aircraft system.

Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.

This bill would make images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.31 is added to the Government Code,
- 2 to read:
- 3 6254.31. Notwithstanding any provision of this chapter, images,
- 4 footage, or data obtained through the use of an unmanned aircraft
- 5 system pursuant to subdivisions (c) or (d) of Section 14350 of the
- 6 Penal Code, or any record, including, but not limited to, usage
- 7 logs or logs that identify any person or entity that subsequently

1 *obtains or requests records of that system, are public records*
2 *subject to disclosure.*

3 **SECTION 1.**

4 *SEC. 2.* Title 14 (commencing with Section 14350) is added
5 to Part 4 of the Penal Code, to read:

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TITLE 14. UNMANNED AIRCRAFT SYSTEMS

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10 14350. (a) A public agency shall not use an unmanned aircraft
11 system, or contract for the use of an unmanned aircraft system,
12 except as provided in this title. This title shall apply to all public
13 and private entities when contracting with a public agency for the
14 use of an unmanned aircraft system.

15 (b) A law enforcement agency may use an unmanned aircraft
16 system if it has obtained a warrant based on probable cause
17 pursuant to this code.

18 (c) (1) A law enforcement agency, without obtaining a warrant,
19 may use an unmanned aircraft system in emergency situations if
20 there is an imminent threat to life or of great bodily harm,
21 including, but not limited to, fires, hostage crises, “hot pursuit”
22 situations if reasonably necessary to prevent harm to law
23 enforcement officers or others, and search and rescue operations
24 on land or water.

25 (2) A law enforcement agency, without obtaining a warrant,
26 may use an unmanned aircraft system to assess the necessity of
27 first responders in situations relating to traffic accidents, to inspect
28 state parks and wilderness areas for illegal vegetation, or fires.

29 (d) (1) A public agency other than a law enforcement agency
30 may use an unmanned aircraft system, or contract for the use of
31 an unmanned aircraft system, to achieve the core mission of the
32 agency provided that the purpose is unrelated to the gathering of
33 criminal intelligence.

34 (2) Except as permitted by this title and when a law enforcement
35 agency is not required to obtain a warrant as specified in this title,
36 data collected pursuant to this subdivision shall not be disseminated
37 to a law enforcement agency unless the agency has obtained a
38 warrant for the data based on probable cause pursuant to this code.

39 14351. A public agency that uses an unmanned aircraft system,
40 or contracts for the use of an unmanned aircraft system, pursuant
to this title shall first provide reasonable notice to the public.

1 Reasonable notice shall, at a minimum, consist of a one-time
2 announcement regarding the agency's intent to deploy unmanned
3 aircraft system technology and a description of the technology's
4 capabilities.

5 14352. (a) Except as permitted by this title, images, footage,
6 or data obtained by a public agency, or any entity contracting with
7 a public agency, through the use of an unmanned aircraft system
8 shall not be disseminated outside the collecting agency, and shall
9 not be used by the agency for any purpose other than that for which
10 it was collected. Images, footage, or data obtained through the use
11 of an unmanned aircraft system shall be permanently destroyed
12 within six months, except that a public agency may retain the
13 images, footage, or data for training purposes and shall retain any
14 image, footage, or data if a warrant authorized its collection or if
15 the images, footage, or data are evidence in any claim filed or any
16 pending litigation.

17 (b) Images, footage, or data retained for training purposes shall
18 be used only for the education and instruction of an agency's
19 employees in matters related to the mission of the agency and for
20 no other purpose.

21 14353. Unless authorized by federal law, a person or entity,
22 including a public agency subject to Section 14350 or a person or
23 entity under contract to a public agency, for the purpose of that
24 contract, shall not equip or arm an unmanned aircraft system with
25 a weapon or other device that may be carried by or launched from
26 an unmanned aircraft system and that is intended to cause bodily
27 injury or death, or damage to, or the destruction of, real or personal
28 property.

29 14354. All unmanned aircraft systems shall be operated so as
30 to minimize the collection of images, footage, or data of persons,
31 places, or things not specified with particularity in the warrant
32 authorizing the use of an unmanned aircraft system, or, if no
33 warrant was obtained, for purposes unrelated to the justification
34 for the operation.

35 14355. (a) ~~Nothing in this~~ *This* title is *not* intended to conflict
36 with or supersede federal law, including rules and regulations of
37 the Federal Aviation Administration.

38 (b) A local legislative body may adopt more restrictive policies
39 on the acquisition or use of unmanned aircraft systems.

1 14356. For the purposes of this title, the following definitions
2 shall apply:

3 (a) “Criminal intelligence” means information compiled,
4 analyzed, or disseminated in an effort to anticipate, prevent,
5 monitor, or investigate criminal activity.

6 (b) “Law enforcement agency” means the Attorney General of
7 the State of California, each district attorney, and each agency of
8 the State of California authorized by statute to investigate or
9 prosecute law violators.

10 (c) “Public agency” means and includes each state agency and
11 each local agency.

12 (d) “Unmanned aircraft system” means an unmanned aircraft
13 and associated elements, including communication links and the
14 components that control the unmanned aircraft, that are required
15 for the pilot in command to operate safely and efficiently in the
16 national airspace system.

17 14357. The surveillance restrictions on electronic devices
18 pursuant to Chapter 1.5 (commencing with Section 630) of Title
19 15 of Part 1 shall apply to unmanned aircraft systems.

20 ~~SEC. 2. Section 6254.31 is added to the Government Code, to~~
21 ~~read:~~

22 ~~6254.31. Notwithstanding any provision of this chapter, images,~~
23 ~~footage, or data obtained through the use of an unmanned aircraft~~
24 ~~system pursuant to subdivisions (c) or (d) of Section 14350 of the~~
25 ~~Penal Code, or any record, including, but not limited to, usage logs~~
26 ~~or logs that identify any person or entity that subsequently obtains~~
27 ~~or requests records of that system, is subject to disclosure.~~

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