

AMENDED IN SENATE AUGUST 19, 2016
AMENDED IN SENATE SEPTEMBER 4, 2015
AMENDED IN SENATE SEPTEMBER 1, 2015
AMENDED IN SENATE JULY 16, 2015
AMENDED IN SENATE JULY 7, 2015
AMENDED IN SENATE JUNE 24, 2015
AMENDED IN ASSEMBLY APRIL 22, 2015
AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 56

**Introduced by Assembly Member Quirk
(Principal coauthor: ~~Assembly Member Campos~~)**

December 2, 2014

An act to ~~add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems; amend the Budget Act of 2016 (Chapter 23 of the Statutes of 2016) by reappropriating funds from Item 2240-101-6038 of the Budget Act of 2011 (Chapter 33 of the Statutes of 2011), relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 56, as amended, Quirk. ~~Unmanned aircraft systems; Budget Act of 2016.~~

The Budget Act of 2011 appropriated \$17,000,000 to the Department of Housing and Community Development from the Building Equity and Growth in Neighborhoods Fund. The funds were available for liquidation of encumbrances until June 30, 2016.

This bill would amend the Budget Act of 2016 to reappropriate and encumber the funds from the Building Equity and Growth in Neighborhoods Fund that were encumbered as of June 29, 2016, but that were not liquidated on or before June 30, 2016, for the same purposes that the funds are encumbered for as of June 29, 2016. This bill would make the funds available for liquidation of encumbrances until June 30, 2018.

This bill would declare that it is to take effect immediately as a Budget Bill.

~~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 law enforcement agencies from using unmanned aircraft systems, obtaining an unmanned aircraft system from another public agency by contract, loan, or other arrangement, or using information obtained from an unmanned aircraft system used by another public agency, except as provided by the bill's provisions. The bill would authorize a law enforcement agency to use an unmanned aircraft system if the law enforcement agency complies with specified requirements, including, among others, that before the use of an unmanned aircraft system, the law enforcement agency develops, makes available to the public, and, at least once every 3 years, reviews, a policy on the use of an unmanned aircraft system, as provided, and that the law enforcement agency complies with all applicable federal, state, and local law and the unmanned aircraft system policy developed by the law enforcement agency pursuant to the bill's provisions. The bill would require a law enforcement agency that uses an unmanned aircraft system to ensure that information and data gathered through the use of the system is protected with reasonable operational, administrative, technical, and physical safeguards, and to implement and maintain reasonable security procedures and practices in order to protect~~

~~information and data gathered through the use of that system from unauthorized access, destruction, use, modification, or disclosure. The bill would prohibit a law enforcement agency from using an unmanned aircraft system to surveil private property unless, among other justifications, the law enforcement agency obtains a search warrant.~~

~~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 one year, 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 or directed from, an unmanned aircraft system and that is intended to cause incapacitation, bodily injury or death, or damage to, or the destruction of, real or personal property. By creating a new crime, the bill would impose a state-mandated local program. The bill would require a law enforcement agency that operates an unmanned aircraft system to keep a record of the use of that system, including information on whether a search warrant was sought before the system was used, and, in situations where a warrant was sought, whether the warrant was granted or denied. The bill would also provide that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a law enforcement agency.~~

~~The bill would make its provisions applicable to all law enforcement agencies and private entities when contracting with or acting as the agent of a law enforcement agency for the use of an unmanned aircraft system.~~

~~The bill would authorize an individual who has been harmed by a violation of the bill's provisions to bring a civil action in any court of competent jurisdiction against a person who knowingly caused that violation, would authorize the court to award attorney's fees, as specified, and would specify that the bill's provisions do not impair or impede any other rights, causes of action, claims, or defenses available under other law and that the remedies provided by the bill's provisions are cumulative with any other remedies available under other law.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. *The funds appropriated in Item 2240-101-6038*
2 *of the Budget Act of 2011 (Ch. 33, Stats. 2011) that were*
3 *encumbered as of June 29, 2016, but that were not liquidated on*
4 *or before June 30, 2016, are hereby reappropriated and*
5 *encumbered for the same purposes that the funds were encumbered*
6 *for as of June 29, 2016. Notwithstanding Section 16304.1 of the*
7 *Government Code, the funds shall be available for liquidation of*
8 *encumbrances until June 30, 2018.*

9 SEC. 2. *This act is a Budget Bill within the meaning of*
10 *subdivision (e) of Section 12 of Article IV of the California*
11 *Constitution and shall take effect immediately.*

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All matter omitted in this version of the bill appears in the bill as amended in the Senate, September 4, 2016. (JR11)