

HCS HB 1204 -- PRESERVING FREEDOM FROM UNWARRANTED SURVEILLANCE ACT

SPONSOR: Wilson

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Downsizing State Government by a vote of 10 to 2.

This bill establishes the Preserving Freedom from Unwarranted Surveillance Act that prohibits any person, entity, or state agency or county or municipal law enforcement agency from using a drone or other unmanned aircraft to gather evidence or other information relating to criminal conduct or conduct in violation of a statute or regulation except to the extent authorized in a warrant. A law enforcement agency may use a drone or unmanned aircraft without obtaining a warrant in emergency situations if there is an imminent threat to life or of great bodily harm. A person, entity, or state agency cannot use a drone or unmanned aircraft to conduct surveillance or observation of an individual, property owned by an individual, farm, or agricultural industry without the consent of the individual, property owner, farm or agricultural industry except to the extent authorized in a warrant.

The bill does not prohibit the use of a manned aircraft, drone, or unmanned aircraft by a state law enforcement agency or any county or municipal law enforcement agency in the state to the extent authorized in a warrant; a Missouri-based higher education institution conducting specified educational, research, or training programs; a manufacturer or seller engaged in the research, development, or testing of a manned aircraft, drone, or unmanned aircraft and operating a manned aircraft, drone, or unmanned aircraft under specified situations; or any rural electric cooperative or public utility company regulated by the Missouri Public Services Commission under specific circumstances. The bill does not prohibit the use of a model aircraft.

Any aggrieved party may obtain relief in a civil action to prevent or remedy a violation of the act. Information obtained or collected in violation of the act cannot be admissible as evidence in a criminal proceeding or in an administrative hearing. Sovereign immunity for the state is waived for any civil action resulting from a violation of the provisions of the act.

The bill contains an emergency clause.

PROponents: Supporters of the bill say that there should be a baseline of regulation because as technology advances, it is not inconceivable that a drone could deliver a pizza, and the drone could be equipped with a high resolution camera that could get a view inside of an individual's home.

Testifying for the bill were Representative Wilson; Missouri Family Network; and Missouri Association of Realtors.

OPPONENTS: Opponents say that the Federal Aviation Administration has prohibited broadcasters from using drones. Broadcasters would like to be able to use drones in the same manner that they use airplanes and helicopters to make coverage of certain emergencies much easier and potentially save lives.

Testifying against the bill were Missouri Broadcasters Association; John Davidson; Missouri Press Association; Missouri Motion Media Association; Stephen Hudnell; and Beth Pike.