

HCS HB 1204 -- FREEDOM FROM SURVEILLANCE ACT (Wilson)

COMMITTEE OF ORIGIN: Committee on Downsizing State Government

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; any rural electric cooperative or public utility company regulated by the Missouri Public Service Commission or Federal Energy Regulatory Commission under specific circumstances; any branch of the United States Armed Forces or the National Guard; or any professional engaged in surveying, mapping, or engineering. 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.