

REFERENCE TITLE: drone surveillance; prohibition; exceptions

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2574

Introduced by
Representatives Dial, Seel, Stevens, Senator Burges: Representatives
Barton, Borrelli, Lovas, Petersen, Thorpe

AN ACT

AMENDING TITLE 13, CHAPTER 30, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-3007; RELATING TO DRONE SURVEILLANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 30, Arizona Revised Statutes, is amended
3 by adding section 13-3007, to read:

4 13-3007. Unlawful use of drones; admissibility of evidence;
5 civil action; classification; definitions

6 A. IT IS UNLAWFUL FOR A LAW ENFORCEMENT AGENCY OR A STATE, COUNTY OR
7 MUNICIPAL AGENCY TO USE A DRONE TO GATHER, STORE OR COLLECT EVIDENCE OF ANY
8 TYPE, INCLUDING AUDIO OR VIDEO RECORDINGS, OR BOTH, OR OTHER INFORMATION THAT
9 IS NOT SPECIFICALLY OUTLINED IN A SEARCH WARRANT. A LAW ENFORCEMENT AGENCY
10 MAY NOT USE DRONES FOR SURVEILLANCE OF CITIZENS UNLESS THE CITIZEN IS
11 SPECIFICALLY NAMED ON A VALID SEARCH WARRANT.

12 B. IT IS UNLAWFUL FOR A PERSON TO USE DRONES TO MONITOR OTHER PERSONS
13 INSIDE THEIR HOMES OR PLACES OF WORSHIP OR WITHIN THE CLOSED CONFINES OF
14 THEIR PROPERTY OR OTHER LOCATIONS WHERE A PERSON WOULD HAVE AN EXPECTATION OF
15 PRIVACY.

16 C. EVIDENCE THAT IS OBTAINED OR COLLECTED IN VIOLATION OF THIS SECTION
17 IS NOT ADMISSIBLE IN ANY CIVIL OR CRIMINAL PROCEEDING AND MAY NOT BE USED
18 AGAINST A CITIZEN, CORPORATION OR ORGANIZATION IN ANY FORMAL PROCEEDING
19 WITHIN THIS STATE FOR THE PURPOSE OF ENFORCING STATE OR LOCAL LAW.

20 D. THIS SECTION DOES NOT PROHIBIT EITHER:

21 1. THE USE OF A DRONE BY A LAW ENFORCEMENT AGENCY IF THE LAW
22 ENFORCEMENT AGENCY FIRST OBTAINS A SEARCH WARRANT THAT AUTHORIZES THE USE OF
23 A DRONE AND THE USE OF THE DRONE IS USED ONLY TO OBTAIN EVIDENCE ON THE
24 PERSON NAMED IN THE WARRANT.

25 2. THE USE OF A DRONE BY A LAW ENFORCEMENT AGENCY THAT IS ACTIVELY
26 ENGAGED IN THE ENFORCEMENT OF CHAPTER 34 OF THIS TITLE OR SECTION 13-2319 ON
27 PUBLIC LANDS AS DEFINED IN SECTION 37-901 OR ON PRIVATE LAND WITH THE WRITTEN
28 PERMISSION FROM THE LANDOWNER.

29 3. A CITIZEN FROM OWNING OR OPERATING A DRONE FOR LAWFUL PURPOSES.

30 E. AN AGGRIEVED PARTY MAY INITIATE A CIVIL ACTION AGAINST A LAW
31 ENFORCEMENT AGENCY TO OBTAIN ALL APPROPRIATE RELIEF IN ORDER TO PREVENT,
32 RESTRAIN OR REMEDY A VIOLATION OF THIS SECTION.

33 F. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 6 FELONY.

34 G. FOR THE PURPOSES OF THIS SECTION:

35 1. "DRONE" MEANS A POWERED OR AN UNPOWERED AERIAL VEHICLE OR A BALLOON
36 FLOAT OR OTHER DEVICE THAT:

37 (a) DOES NOT CARRY A HUMAN OPERATOR.

38 (b) USES AERODYNAMIC FORCES OR GASES TO PROVIDE LIFT.

39 (c) CAN FLY AUTONOMOUSLY OR BE PILOTED REMOTELY.

40 (d) CAN BE EXPENDABLE OR RECOVERABLE.

41 (e) CAN CARRY A LETHAL OR NONLETHAL PAYLOAD.

42 2. "LAW ENFORCEMENT AGENCY" MEANS A LAWFULLY ESTABLISHED STATE OR
43 LOCAL PUBLIC AGENCY THAT IS RESPONSIBLE FOR THE PREVENTION AND DETECTION OF
44 CRIME, THE ENFORCEMENT OF LOCAL GOVERNMENT CODES AND THE ENFORCEMENT OF

1 PENAL, TRAFFIC, REGULATORY, GAME OR CONTROLLED SUBSTANCE LAWS AND INCLUDES AN
2 AGENT OF THE LAW ENFORCEMENT AGENCY.

3 Sec. 2. Severability

4 If a provision of this act or its application to any person or
5 circumstance is held invalid, the invalidity does not affect other provisions
6 or applications of the act that can be given effect without the invalid
7 provision or application, and to this end the provisions of this act are
8 severable.

9 Sec. 3. Short title

10 Section 13-3007, Arizona Revised Statutes, as added by this act, may be
11 cited as the "Citizens Protection From Unwarranted Surveillance Act".