

REFERENCE TITLE: **unmanned aerial vehicles; prohibited**

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2538

Introduced by
Representatives Seel, Borrelli, Thorpe: Livingston, Mitchell, Petersen,
Senators Crandell, Farnsworth D, Ward

AN ACT

AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3729; RELATING TO UNMANNED AERIAL VEHICLES.

(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 37, Arizona Revised Statutes, is amended
3 by adding section 13-3729, to read:

4 13-3729. Unlawful use of unmanned aerial vehicles; search
5 warrant; classification; definitions

6 A. IT IS UNLAWFUL FOR A LAW ENFORCEMENT AGENT TO USE AN UNMANNED
7 AERIAL VEHICLE FOR ANY PURPOSE WITHIN THE AIRSPACE OF THIS STATE WITHOUT
8 FIRST OBTAINING A SEARCH WARRANT.

9 B. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY, OR UNDER FACTS WHERE THE
10 PERSON SHOULD KNOW, ASSIST ANY PERSON OR ENTITY IN A VIOLATION OF THIS
11 SECTION.

12 C. ANY INFORMATION THAT IS GAINED FROM OR AS A RESULT OF A VIOLATION
13 OF THIS SECTION IS INADMISSIBLE IN ANY CIVIL OR CRIMINAL TRIAL IN THIS STATE.

14 D. A SEARCH WARRANT ISSUED FOR THE USE OF AN UNMANNED AERIAL VEHICLE
15 SHALL ONLY BE GRANTED IF PROBABLE CAUSE IS ESTABLISHED BY OATH OR AFFIRMATION
16 AND SHALL EXPIRE TWENTY-FOUR HOURS AFTER ITS ISSUANCE.

17 E. A VIOLATION OF THIS SECTION IS A CLASS 6 FELONY.

18 F. FOR THE PURPOSES OF THIS SECTION:

19 1. "LAW ENFORCEMENT AGENT" MEANS EITHER:

20 (a) ANY LAW ENFORCEMENT OR CRIMINAL JUSTICE OFFICER, EMPLOYEE OR AGENT
21 OF THE UNITED STATES OR ANY BRANCH, DEPARTMENT OR AGENCY OF THE UNITED STATES
22 OR ANY PERSON OR ENTITY ACTING UNDER A CONTRACT WITH THE UNITED STATES OR ANY
23 BRANCH, DEPARTMENT OR AGENCY OF THE UNITED STATES FOR THE PURPOSE OF LAW
24 ENFORCEMENT OR CRIMINAL JUSTICE.

25 (b) ANY LAW ENFORCEMENT OR CRIMINAL JUSTICE OFFICER, EMPLOYEE OR AGENT
26 OF THIS STATE OR ANY BRANCH, DEPARTMENT OR AGENCY OF THIS STATE OR ANY PERSON
27 OR ENTITY ACTING UNDER A CONTRACT WITH THIS STATE OR ANY BRANCH, DEPARTMENT
28 OR AGENCY OF THIS STATE FOR THE PURPOSE OF LAW ENFORCEMENT OR CRIMINAL
29 JUSTICE.

30 2. "SEARCH WARRANT" MEANS A SEARCH WARRANT THAT IS ISSUED BY A DULY
31 AUTHORIZED MAGISTRATE OR JUDGE OF THIS STATE OR THE FEDERAL GOVERNMENT USING
32 THE PROCEDURES ESTABLISHED BY APPLICABLE LAW.

33 3. "UNMANNED AERIAL VEHICLE" MEANS ANY AIRCRAFT WITHOUT A HUMAN PILOT
34 ON BOARD.

35 Sec. 2. Legislative findings

36 The Legislature finds that:

37 1. The right to privacy is fundamental in a free and civilized
38 society.

39 2. Persons within this state have a reasonable and justifiable
40 expectation of privacy that they will not be monitored by the use of unmanned
41 aerial vehicles by law enforcement agents of the United States or this state
42 without first obtaining a search warrant.

43 3. The potential benefit to law enforcement and criminal justice from
44 the use of unmanned aerial vehicles without first obtaining a search warrant
45 is far outweighed by the degradation to the fundamental right to privacy

1 secured by the constitutions of the United States and this state that will
2 result from law enforcement's use of unmanned aerial vehicles without first
3 obtaining a search warrant.

4 4. The use of unmanned aerial vehicles by law enforcement is repugnant
5 to a free society.