

HOUSE BILL NO. 159

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KAWASAKI

Introduced: 3/5/13

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the admissibility of evidence acquired through the use of an**
2 **unmanned aerial vehicle; establishing a crime for certain uses of unmanned aerial**
3 **vehicles; and restricting the use of unmanned aerial vehicles for collection of**
4 **information or investigation by peace officers and other government agents."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 09.25 is amended by adding a new section to read:

7 **Sec. 09.25.052. Inadmissibility of information acquired by unmanned**
8 **aerial vehicle.** (a) In a civil action or proceeding, information obtained from the
9 unlawful operation of an unmanned aerial vehicle is not admissible as evidence and
10 may not be used for any purpose except as provided under AS 11.61.260 and
11 AS 18.65.900.

12 (b) In this section, "unmanned aerial vehicle" has the meaning given in
13 AS 11.61.260.

14 *** Sec. 2.** AS 11.61 is amended by adding a new section to read:

1 **Sec. 11.61.260. Unlawful use of unmanned aerial vehicle.** (a) A person
 2 commits the crime of unlawful use of an unmanned aerial vehicle if the person
 3 knowingly operates an unmanned aerial vehicle in or on the premises of another
 4 person or entity for the purpose of acquiring information by the use of a sensing
 5 device that is capable of acquiring data from its surroundings, including by a camera,
 6 microphone, thermal detector, chemical detector, radiation gauge, and wireless
 7 receiver.

8 (b) This section does not apply to the use of an unmanned aerial vehicle to
 9 conduct a search

10 (1) under the express terms of a search warrant issued under AS 12.35;

11 (2) in accordance with a judicially recognized exception to the warrant
 12 requirement in AS 12.35;

13 (3) to monitor public land or an international border; or

14 (4) to monitor private land with the consent of the landowner.

15 (c) In this section, "unmanned aerial vehicle" means an aircraft that is
 16 operated without direct human intervention from inside or on the aircraft.

17 (d) Unlawful use of an unmanned aerial vehicle is a class A misdemeanor.

18 * **Sec. 3.** AS 12.45 is amended by adding a new section to read:

19 **Sec. 12.45.038. Inadmissibility of information acquired by unmanned**
 20 **aerial vehicle.** (a) In a criminal action or proceeding, information obtained from the
 21 unlawful operation of an unmanned aerial vehicle is not admissible as evidence and
 22 may not be used for any purpose except as provided in AS 11.61.260 and
 23 AS 18.65.900.

24 (b) In this section, "unmanned aerial vehicle" has the meaning given in
 25 AS 11.61.260.

26 * **Sec. 4.** AS 18.65 is amended by adding a new section to read:

27 **Article 13. Use of Unmanned Aerial Vehicles.**

28 **Sec. 18.65.900. Use of unmanned aerial vehicles.** (a) Except as provided in
 29 (b) of this section, a government employee or agent, including a peace officer, may not
 30 participate in an investigation in which an unmanned aerial vehicle is being used, or
 31 otherwise direct the use of an unmanned aerial vehicle.

1 (b) This section does not apply to the use of an unmanned aerial vehicle for a
2 purpose permitted under AS 11.61.260(b).

3 (c) In this section, "unmanned aerial vehicle" has the meaning given in
4 AS 11.61.260.