

HOUSE BILL No. 2394

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning criminal procedure; prohibiting the use of drones by
2 law enforcement agencies.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) No law enforcement agency shall use a drone to obtain
6 evidence or other information.

7 (b) No drone shall be operated in this state while carrying a lethal
8 payload.

9 (c) Nothing in this section shall be construed to prohibit the use of
10 drones to counter a high risk of a terrorist attack, provided, the United
11 States department of homeland security has determined that credible
12 intelligence indicates that there is such a risk of a terrorist attack, and a
13 search warrant has been obtained for such use of a drone.

14 (d) Any person aggrieved by a law enforcement agency whose
15 actions violate this section shall have a civil cause of action against such
16 law enforcement agency, and shall be entitled to recover from any such
17 law enforcement agency:

- 18 (1) Actual damages;
- 19 (2) punitive damages;
- 20 (3) equitable relief; and
- 21 (4) reasonable attorney fees.

22 (e) Any evidence obtained in violation of this section, and any
23 evidence derived therefrom is inadmissible in any trial, hearing or other
24 proceeding in or before any court, grand jury, department, officer, agency,
25 regulatory body, legislative committee or other authority of this state, or a
26 political subdivision thereof.

27 (f) As used in this section:

- 28 (1) "Drone" means a powered, aerial vehicle that:
 - 29 (A) Does not carry a human operator;
 - 30 (B) uses aerodynamic forces to provide vehicle lift;
 - 31 (C) is able to fly autonomously or be piloted remotely;
 - 32 (D) is expendable or recoverable; and
 - 33 (E) is capable of carrying either a lethal or nonlethal payload.

34 (2) "Law enforcement agency" means any office or agency of the
35 state, or any municipality thereof, whose duties include the prevention or
36 detection of crime and the enforcement of the criminal or traffic laws of

1 this state or of any municipality thereof.

2 Sec. 2. This act shall take effect and be in force from and after its
3 publication in the statute book.

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