

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KAWASAKI, Tuck

Introduced: 3/20/13

Referred: Judiciary, Finance

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, and in a manner that constitutes an invasion of privacy, operates an
4 unmanned aerial vehicle in or on the premises of the other person or entity for the
5 purpose of acquiring information or monitoring by the use of a sensing device that is
6 capable of acquiring data from its surroundings, including by a camera, microphone,
7 thermal detector, chemical detector, radiation gauge, and wireless receiver.

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

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

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

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

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

15 (5) assist a search and rescue operation for the purpose of rescuing or
16 retrieving a person or a person's remains;

17 (6) assist during an emergency involving an imminent danger of death
18 or serious injury to a person or imminent and substantial damage to property;

19 (7) assist during an emergency involving the release of oil or another
20 hazardous substance, if the release requires prompt action to avert or mitigate
21 environmental harm; in this paragraph, "hazardous substance" has the meaning given
22 in AS 46.03.826; or

23 (8) conduct research, if the research is conducted by an accredited
24 institution of higher education.

25 (c) In this section,

26 (1) "invasion of privacy" means intrusion into a place, and under
27 circumstances, that a person or entity reasonably believes that the person or entity will
28 not be observed;

29 (2) "unmanned aerial vehicle" means an aircraft that is operated
30 without direct human intervention from inside or on the aircraft.

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

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

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

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

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

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

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

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

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