

1 HB527
2 214795-1
3 By Representatives Mooney, Hanes, Wingo, Meadows, Wadsworth,
4 Whorton, Sorrell, Holmes and Fincher
5 RFD: Judiciary
6 First Read: 29-MAR-22

8 SYNOPSIS: Existing law prohibits criminal
9 surveillance, which is committed when a person
10 intentionally engages in surveillance while
11 trespassing in a private place.

12 This bill would further provide for that
13 crime by prohibiting the use of an unmanned
14 aircraft system to take photographs, video, or
15 audio of another, without that individual's
16 consent, in a manner that would invade that
17 individual's reasonable expectation of privacy.

18 This bill would also prohibit an individual
19 who is subject to the Sex Offender Registration and
20 Notification Act, or who has certain prior
21 convictions related to theft, to operate or possess
22 an unmanned aircraft system equipped in a manner to
23 take photographs, video, or audio of another, and
24 would provide criminal penalties for a violation.

25 Amendment 621 of the Constitution of Alabama
26 of 1901, as amended by Amendment 890, now appearing
27 as Section 111.05 of the Official ReCompilation of

1 the Constitution of Alabama of 1901, as amended,
2 prohibits a general law whose purpose or effect
3 would be to require a new or increased expenditure
4 of local funds from becoming effective with regard
5 to a local governmental entity without enactment by
6 a 2/3 vote unless: it comes within one of a number
7 of specified exceptions; it is approved by the
8 affected entity; or the Legislature appropriates
9 funds, or provides a local source of revenue, to
10 the entity for the purpose.

11 The purpose or effect of this bill would be
12 to require a new or increased expenditure of local
13 funds within the meaning of the amendment. However,
14 the bill does not require approval of a local
15 governmental entity or enactment by a 2/3 vote to
16 become effective because it comes within one of the
17 specified exceptions contained in the amendment.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Sections 13A-11-30 and 13A-11-32, Code of
24 Alabama 1975, relating to offenses against privacy; to provide
25 further for the crime of criminal surveillance; to prohibit
26 certain individuals from using or possessing an unmanned
27 aircraft system under certain conditions; to provide criminal

1 penalties for a violation; and in connection therewith would
2 have as its purpose or effect the requirement of a new or
3 increased expenditure of local funds within the meaning of
4 Amendment 621 of the Constitution of Alabama of 1901, as
5 amended by Amendment 890, now appearing as Section 111.05 of
6 the Official Recompilation of the Constitution of Alabama of
7 1901, as amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 13A-11-30 and 13A-11-32, Code of
10 Alabama 1975, are amended to read as follows:

11 "§13A-11-30.

12 "The following definitions apply to this article:

13 "(1) EAVESDROP. To overhear, record, amplify, or
14 transmit any part of the private communication of others
15 without the consent of at least one of the persons engaged in
16 the communication, except as otherwise provided by law.

17 "(2) PRIVATE PLACE. A place where one may reasonably
18 expect to be safe from casual or hostile intrusion or
19 surveillance, but such term does not include a place to which
20 the public or a substantial group of the public has access.

21 "(3) SURVEILLANCE. Secret observation of the
22 activities of another person for the purpose of spying upon
23 and invading the privacy of the person observed.

24 "(4) UNMANNED AIRCRAFT SYSTEM.

25 "a. A powered, aerial vehicle that:

26 "1. Does not carry a human operator.

27 "2. Uses aerodynamic forces to provide vehicle lift.

1 "3. May fly autonomously through an onboard computer
2 or be piloted remotely.

3 "4. May be expendable or recoverable.

4 "b. The term does not include a satellite orbiting
5 the Earth or a spacecraft beyond Earth's atmosphere, and may
6 not be construed to implicate the provider of a
7 telecommunications link between an owner or operator of an
8 unmanned aircraft system and the unmanned aircraft system.

9 "§13A-11-32.

10 "(a) A person commits the crime of criminal
11 surveillance if he or she does either of the following:

12 "(1) intentionally Intentionally engages in
13 surveillance while trespassing in a private place.

14 "(2) Uses an unmanned aircraft system to do either
15 of the following, regardless of whether the person or the
16 unmanned aircraft system is trespassing in a private place:

17 "a. Capture or take photographs, images, video, or
18 audio of another individual or the private property of another
19 individual, without that individual's consent, in a manner
20 that would invade the individual's reasonable expectation of
21 privacy, including capturing or recording through a window.

22 "b. View, follow, or contact another individual or
23 the private property of another individual, without the
24 individual's consent, in a manner that would invade the
25 individual's reasonable expectation of privacy, including
26 viewing, following, or contacting through a window.

1 "(b) Criminal surveillance is a Class B
2 misdemeanor."

3 Section 2. (a) The following persons may not
4 operate, control, or otherwise possess an unmanned aircraft
5 system, as defined in Section 13A-11-30, Code of Alabama 1975,
6 that is equipped with the ability to capture or take
7 photographs, images, video, or audio:

8 (1) A person who is subject to the registration
9 requirements of the Alabama Sex Offender Registration and
10 Community Notification Act of Chapter 20A of Title 15, Code of
11 Alabama 1975.

12 (2) A person convicted of any violation of Article 1
13 of Title 13A, Code of Alabama 1975, relating to burglary and
14 criminal trespass violations; or any violation of Article 1 of
15 Chapter 8 of Title 13A, Code of Alabama 1975, relating to
16 offenses involving theft.

17 (b) A violation of this section is a Class C felony.

18 Section 3. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, as amended
22 by Amendment 890, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended, because the bill defines a new crime or amends the
25 definition of an existing crime.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.