

The House Committee on Judiciary Non-Civil offers the following substitute to HB 779:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 6, Title 16, and Code Section 27-3-151 of the Official Code of  
2 Georgia Annotated, relating to regulation of aeronautics, aircraft, and airports generally,  
3 crimes and offenses, and activity prohibited in the taking of wildlife, respectively, so as to  
4 regulate the use of unmanned aircraft systems and the gathering of evidence or information  
5 by such systems; to change provisions relating to lawful flights over lands and waters of the  
6 state; to provide for definitions; to provide for exceptions; to provide for punishments and  
7 penalties and a civil right of action; to provide for venue; to provide for preemption; to  
8 regulate the use of unmanned aircraft systems in connection to hunting and fishing; to  
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to regulation of  
13 aeronautics, aircraft, and airports generally, is amended by revising Code Section 6-2-5,  
14 relating to lawful flight over lands and waters of the state, as follows:

15 "6-2-5.

16 Flight in aircraft or by an unmanned aircraft system, as such term is defined in Code  
17 Section 16-11-210, over the lands and waters shall be lawful unless such flight is at such  
18 a low altitude as to interfere with the then existing reasonable use to which the land or  
19 water or space over the land or water is put by the owner of the land or water or unless ~~so~~  
20 such flight is conducted as to be imminently dangerous to persons or property lawfully on  
21 the land or water beneath."

22 **SECTION 2.**

23 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
24 amended by adding a new article to Chapter 11, relating to offenses against public order and  
25 safety, to read as follows:

H. B. 779 (SUB)

26 "ARTICLE 6

27 16-11-210.

28 As used in this article, the term:

29 (1)(A) 'Unmanned aircraft system' means a powered, aerial vehicle that:

30 (i) Does not carry a human operator and is operated without the possibility of direct  
 31 human intervention from within or on the aircraft;

32 (ii) Uses aerodynamic forces to provide vehicle lift;

33 (iii) Can fly autonomously or be piloted remotely; and

34 (iv) Can be expendable or recoverable.

35 (B) Such term shall not include a satellite.

36 (2) 'Weapon' means an object, device, or instrument which when used against a person  
 37 is likely to, or actually does, result in serious bodily injury or death, including, but not  
 38 limited to, a destructive device as defined in Code Section 16-7-80 or a dangerous  
 39 weapon as defined in Code Section 16-11-121.

40 16-11-211.

41 Except for United States military operations or federal governmental contracts involving  
 42 research using weaponized unmanned aircraft systems, it shall be unlawful to sell,  
 43 transport, manufacture, possess, or operate an unmanned aircraft system that is equipped  
 44 with a weapon. Any person that violates this Code section shall be guilty of a felony and  
 45 upon conviction shall be punished by imprisonment for not less than one nor more than  
 46 three years or by a fine not to exceed \$100,000.00, or both.

47 16-11-212.

48 (a) Except as provided in subsection (b) of this Code section, no law enforcement agency  
 49 shall use an unmanned aircraft system to gather evidence or other information in a private  
 50 place or of an individual in a private place.

51 (b) This Code section shall not prohibit the use of an unmanned aircraft system:

52 (1) If the law enforcement agency first obtains a search warrant signed by a judge  
 53 authorizing the use of an unmanned aircraft system;

54 (2) If the law enforcement agency possesses reasonable suspicion that, under particular  
 55 circumstances, swift action is needed to prevent imminent danger to life;

56 (3) To provide continuous aerial coverage when law enforcement is conducting an active  
 57 search for a fugitive or escapee or is monitoring a hostage situation; or

58 (4) To provide aerial coverage when deployed for the purpose of conducting an active  
 59 search for a missing person.

60 (c) An aggrieved party may initiate a civil action against a law enforcement agency to  
 61 obtain all appropriate relief, as determined by the court, in order to prevent or remedy a  
 62 violation of this Code section.

63 (d) No data collected on a person, home, or areas other than the target that justified  
 64 deployment of an unmanned aircraft system may be used, copied, or disclosed for any  
 65 purpose. Notwithstanding Article 4 of Chapter 18 of Title 50 or any state or local retention  
 66 policy, such data shall be deleted as soon as possible, and in no event later than five days  
 67 after collection. Any data retained in violation of this subsection shall be subject to  
 68 Article 4 of Chapter 18 of Title 50.

69 (e)(1) The use of an unmanned aircraft system to gather evidence or information for a  
 70 possible criminal prosecution shall constitute a search. Any law enforcement agency that  
 71 uses an unmanned aircraft system, or other substantially similar device to gather evidence  
 72 or obtain information, shall comply in all respects with the Fourth Amendment to the  
 73 Constitution of the United States and the Constitution of Georgia.

74 (2) Absent exigent circumstances or another authorized exception to the search warrant  
 75 requirement, evidence obtained or collected in violation of this Code section shall not be  
 76 admissible as evidence in a criminal prosecution in any court of law in this state.

77 16-11-213.

78 (a) Unless authorized by the owner or lawful occupier of real property or a facility, or the  
 79 owner of an easement, it shall be unlawful to launch an unmanned aircraft system from  
 80 private property; provided, however, that this subsection shall not apply to the delivery or  
 81 retrieval of packages by commercial operators.

82 (b) It shall be unlawful to fly an unmanned aircraft system in such a manner so as to  
 83 interfere with or cause a hazard to a train, aircraft, or motor vehicle.

84 (c) It shall be unlawful to use an unmanned aircraft system for the purpose of harassing,  
 85 threatening, or intimidating another person.

86 (d) Any person convicted of a violation of this Code section shall be guilty of a  
 87 misdemeanor.

88 16-11-214.

89 (a) Any ordinance, resolution, regulation, or policy of any county, municipality, or other  
 90 political subdivision of this state which is in conflict with this article shall be null, void,  
 91 and of no force and effect, and this article shall preempt any such ordinance, resolution,  
 92 regulation, or policy; provided, however, that a county, municipality, or other political  
 93 subdivision of this state may provide for or prohibit the takeoff, recovery, or use of an

94 unmanned aircraft system from or on its public property, or enforce Federal Aviation  
 95 Administration restrictions on the use of airspace.  
 96 (b) The state, through agency or departmental rules and regulations, may provide for or  
 97 prohibit the takeoff, recovery, or use of an unmanned aircraft system from or on its public  
 98 property."

99 **SECTION 3.**

100 Said title is further amended by adding a new Code section to read as follows:

101 "16-10-24.5.

102 (a) As used in this Code section, the term:

103 (1) 'Emergency medical professional' shall have the same meaning as set forth in Code  
 104 Section 16-10-24.2.

105 (2) 'Emergency medical technician' shall have the same meaning as set forth in Code  
 106 Section 16-10-24.2.

107 (3) 'Firefighter' shall have the same meaning as set forth in Code Section 16-10-24.1.

108 (4) 'Park ranger' shall have the same meaning as set forth in Code Section 16-10-24.4.

109 (5) 'Unmanned aircraft system' shall have the same meaning as set forth in Code Section  
 110 16-11-210.

111 (b) A person that knowingly and willfully obstructs or hinders any law enforcement  
 112 officer, firefighter, or park ranger in the lawful discharge of his or her official duties by the  
 113 use of an unmanned aircraft system, or that knowingly and willfully obstructs or hinders  
 114 any emergency medical technician, emergency medical professional, or properly identified  
 115 person working under the direction of an emergency medical professional in the lawful  
 116 discharge of the official duties of such emergency medical technician, emergency medical  
 117 professional, or properly identified person working under the direction of an emergency  
 118 medical professional, by the use of an unmanned aircraft system, shall be guilty of a  
 119 misdemeanor."

120 **SECTION 4.**

121 Said title is further amended by revising Code Section 16-11-69, relating to penalties for  
 122 violation of laws relating to wiretapping, eavesdropping, and surveillance, as follows:

123 "16-11-69.

124 Except as otherwise provided in subsection ~~(d)~~ (e) of Code Section 16-11-66.1 or Article  
 125 6 of this chapter, any person violating any of the provisions of this part shall be guilty of  
 126 a felony and, upon conviction thereof, shall be punished by imprisonment for not less than  
 127 one nor more than five years or a fine not to exceed \$10,000.00, or both."

128 **SECTION 5.**

129 Code Section 27-3-151 of the Official Code of Georgia Annotated, relating to activity  
 130 prohibited in the taking of wildlife, is amended by revising subsection (a) as follows:

131 "(a) It shall be unlawful for any person to:

132 (1) Interfere with the lawful taking of wildlife by another person by intentionally  
 133 preventing or attempting to prevent such person from such lawful taking of wildlife or  
 134 using an unmanned aircraft system, as such term is defined in Code Section 16-11-210,  
 135 to interfere with or prevent such person from such lawful taking of wildlife;

136 (2) Disturb or engage in activity tending to disturb wildlife for the purpose of  
 137 intentionally preventing or attempting to prevent the lawful taking of such wildlife; ~~or~~

138 (3) Use an unmanned aircraft system, as such term is defined in Code Section 16-11-210,  
 139 to assist in the taking of wildlife; or

140 ~~(3)(4)~~ (4) Fail to obey an order of a law enforcement officer to desist from conduct violating  
 141 ~~paragraph (1) or (2)~~ paragraphs (1) through (3) of this subsection if the law enforcement  
 142 officer observes such conduct or if the law enforcement officer has reasonable grounds  
 143 for believing that the person has engaged in such conduct that day or that the person plans  
 144 or intends to engage in such conduct that day at a specific location."

145 **SECTION 6.**

146 All laws and parts of laws in conflict with this Act are repealed.