

House Bill 779 (AS PASSED HOUSE AND SENATE)

By: Representatives Tanner of the 9th, Lumsden of the 12th, Watson of the 172nd, Prince of the 127th, and Broadrick of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 and Chapter 2 of Title 6 of the Official Code of Georgia Annotated,
2 relating to crimes and offenses and regulation of aeronautics, aircraft, and airports generally,
3 respectively, so as to regulate the use of unmanned aircraft systems and the gathering of
4 evidence or information by such systems; to provide for definitions; to provide for
5 exceptions; to provide for punishments and a civil right of action; to provide for preemption;
6 to create the Georgia Unmanned Vehicle Systems Commission; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 PART I
10 SECTION 1-1.

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

14 "ARTICLE 6

15 16-11-210.

16 As used in this article, the term:

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

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

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

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

22 (iv) Can be expendable or recoverable.

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

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

28 16-11-211.

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

35 16-11-212.

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

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

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

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

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

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

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

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

57 (e)(1) The use of an unmanned aircraft system to gather evidence or information for a
58 possible criminal prosecution shall constitute a search. Any law enforcement agency that

59 uses an unmanned aircraft system, or other substantially similar device to gather evidence
 60 or obtain information, shall comply in all respects with the Fourth Amendment to the
 61 Constitution of the United States and the Constitution of Georgia.

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

65 16-11-213.

66 (a) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
 67 political subdivision of this state regulating the testing or operation of unmanned aircraft
 68 systems shall be deemed preempted and shall be null, void, and of no force and effect;
 69 provided, however, that a county, municipality, or other political subdivision of this state
 70 may:

71 (1) Enforce any ordinance that was adopted on or before April 1, 2016;

72 (2) Adopt any ordinance that enforces Federal Aviation Administration restrictions; or

73 (3) Adopt any ordinance that provides for or prohibits the launch or intentional landing
 74 of an unmanned aircraft system from or on its public property except with respect to the
 75 operation of an unmanned aircraft system for commercial purposes.

76 (b) The state, through agency or department rules and regulations, may provide for or
 77 prohibit the launch or intentional landing of an unmanned aircraft system from or on its
 78 public property."

79 **SECTION 1-2.**

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

82 "16-11-69.

83 Except as otherwise provided in subsection ~~(d)~~ (e) of Code Section 16-11-66.1 or Article
 84 6 of this chapter, any person violating any of the provisions of this part shall be guilty of
 85 a felony and, upon conviction thereof, shall be punished by imprisonment for not less than
 86 one nor more than five years or a fine not to exceed \$10,000.00, or both."

87 **PART II**

88 **SECTION 2-1.**

89 Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to regulation of
 90 aeronautics, aircraft, and airports generally, is amended by adding a new Code section to read
 91 as follows:

- 92 "6-2-13.
- 93 (a) There is created the Georgia Unmanned Vehicle Systems Commission.
- 94 (b) The commission shall be composed of:
- 95 (1) Three members of the Senate appointed by the President of the Senate;
- 96 (2) Three members of the House of Representatives appointed by the Speaker of the
- 97 House of Representatives;
- 98 (3) Two individuals appointed by the Governor with backgrounds in unmanned aircraft
- 99 systems;
- 100 (4) The commissioner of natural resources or his or her designee;
- 101 (5) The commissioner of economic development or his or her designee;
- 102 (6) One individual appointed by the Governor from the aerospace industry;
- 103 (7) The executive director of the Georgia Ports Authority or his or her designee;
- 104 (8) A sheriff appointed by the Governor;
- 105 (9) A chief of police appointed by the Governor;
- 106 (10) The director of the Georgia Emergency Management Agency or his or her designee;
- 107 (11) The director of the Georgia Bureau of Investigation or his or her designee;
- 108 (12) The Adjutant General of the Georgia National Guard or his or her designee;
- 109 (13) A mayor appointed by the Governor;
- 110 (14) A county commissioner appointed by the Governor; and
- 111 (15) One individual appointed by the Governor who is a representative of the
- 112 Association of Unmanned Vehicle Systems International.
- 113 (c) Appointed members shall be appointed by their respective appointing authorities for
- 114 two-year terms of office and may be reappointed upon the expiration of their terms of
- 115 office. Vacancies shall be filled for the unexpired term by appointment by the respective
- 116 appointing authority.
- 117 (d) The President of the Senate shall designate one of the Senate appointees as
- 118 cochairperson, and the Speaker of the House of Representatives shall designate one of the
- 119 House of Representatives appointees as cochairperson. The commission shall meet at least
- 120 four times per year and upon the call of the cochairpersons.
- 121 (e) Legislative members of the commission shall receive the allowances provided for in
- 122 Code Section 28-1-8 for attending meetings of the commission. Members of the
- 123 commission who are state officials, other than legislative members, or who are state
- 124 employees shall receive no compensation for their services on the commission, but they
- 125 may be reimbursed for expenses incurred by them in the performance of their duties as
- 126 members of the commission in the same manner as they are reimbursed for expenses in
- 127 their capacities as state officials or employees. Members of the commission who are not
- 128 legislators, state officials, or state employees shall receive a daily expense allowance in an

129 amount the same as that specified in subsection (b) of Code Section 45-7-21 as well as the
130 mileage or transportation allowance authorized for state employees.

131 (f) The commission, in consultation with the Department of Economic Development and
132 other interested parties, shall:

133 (1) Identify the benefits, including job creation, a cleaner environment, positive
134 economic impacts, increased public safety, and enhanced efficiencies, that may be
135 realized by the state from conducting research on unmanned vehicle systems in the state
136 and by developing, manufacturing, and operating unmanned vehicle systems in the state;

137 (2) Determine the benefits that may be realized within each of the various industry
138 sectors in the state that have the potential for the use of unmanned vehicle systems and
139 evaluate the extent to which the use of unmanned vehicle systems in the state is in the
140 public interest;

141 (3) Identify ways in which the benefits and other positive aspects associated with the use
142 of unmanned vehicle systems may be conveyed to the public in order to achieve public
143 support;

144 (4) Identify policies that should be implemented to ensure that any concerns, including
145 privacy, property rights, commercial interests, and public safety issues, are addressed;

146 (5) Identify concerns associated with safety and commercial interests of outdoor venues,
147 including sporting events and entertainment;

148 (6) As a way to provide certainty to companies that want to use unmanned aircraft
149 systems in the state, develop qualification guidelines for companies to follow when
150 applying to the Federal Aviation Administration for a Section 333 exemption;

151 (7) Identify the state of all unmanned vehicle systems industries in this state, looking
152 comprehensively at the industry, including the supply chain from precompetitive research
153 and development through production and operation;

154 (8) Identify challenges and needs of the unmanned vehicle systems industry that may be
155 met with Georgia assets for each domain of unmanned vehicle systems (aerial, land,
156 maritime), including, but not limited to, workforce, research and engineering expertise,
157 testing facilities, manufacturing facilities, and economic development opportunities
158 within the state;

159 (9) Develop the value proposition for Georgia that will provide a basis for marketing
160 Georgia to the current unmanned vehicle systems industry and that will position Georgia
161 for emerging needs and applications within that industry; and

162 (10) Provide recommendations that will encourage the development of the unmanned
163 vehicle systems industry in Georgia.

164 (g) On or before December 1, the commission shall provide an annual report to the
165 General Assembly on its work and findings.

166 (h) The commission shall be abolished on December 31, 2021."

167

PART III

168

SECTION 3-1.

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