

HOUSE BILL 591

By Van Huss

AN ACT to amend Tennessee Code Annotated, Title 29
and Title 39, relative to surveillance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following language as a new section:

(a) This section shall be known and may be cited as the "Freedom from Unwarranted Surveillance Act".

(b) As used in this section:

(1) "Drone" means a powered, aerial vehicle that:

- (A) Does not carry a human operator;
- (B) Uses aerodynamic forces to provide vehicle lift;
- (C) Can fly autonomously or be piloted remotely;
- (D) Can be expendable or recoverable; and
- (E) Can carry a lethal or nonlethal payload; and

(2) "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.

(c) Notwithstanding any law to the contrary, no law enforcement agency shall use a drone to gather evidence or other information.

(d) This section shall not prohibit the use of a drone:

(1) To counter a high risk of a terrorist attack by a specific individual or organization if the United States secretary of homeland security determines that credible intelligence indicates that there is such a risk;

(2) If the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone; or

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

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

(f) Evidence obtained or collected in violation of this section shall not be admissible as evidence in a criminal prosecution in any court of law in this state.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.