

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN ASSEMBLY JUNE 12, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 15

**Introduced by Senator Padilla
(Coauthor: Senator Jackson)**

December 3, 2012

An act to amend Section 1708.8 of the Civil Code, and to amend Sections 632 and 647 of, and to add Title 14 (commencing with Section 14350) to Part 4 of, the Penal Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 15, as amended, Padilla. Aviation: unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing law provides that a person is subject to civil liability for constructive invasion of privacy when the person attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of another person

engaged in a personal or familial activity under circumstances involving a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, as specified.

Existing law makes it a crime for a person, intentionally, and without requisite consent, to eavesdrop on a confidential communication by means of any electronic amplifying or recording device.

Existing law makes it a crime for a person to look through a hole or opening or otherwise view, by means of any instrumentality, the interior of bedrooms, bathrooms, and various other areas in which an occupant has a reasonable expectation of privacy, with the intent to invade the privacy of one or more persons inside. Existing law makes it a crime for a person to use a concealed camcorder, motion picture camera, or photographic camera to secretly videotape, film, photograph, or record by electronic means, without consent, another identifiable person, under or through the clothing being worn by that person or if that person may be in a state of full or partial undress, under circumstances when that person has a reasonable expectation of privacy and when there is an intent to invade the privacy of that person, as specified.

This bill would, under the above-referenced civil and criminal provisions, provide that engaging in the prohibited activities through the use of an unmanned aircraft system is included within the prohibitions. With respect to the criminal provisions, the bill would impose a state-mandated local program by changing the definition of a crime.

This bill would also provide that an unmanned aircraft system may not be equipped with a weapon, as defined. The bill would make equipping an unmanned aircraft system with a weapon a crime, punishable as specified. By creating a new crime, the bill would impose a state-mandated local program.

This bill would define “unmanned aircraft system” for all of these purposes. *The bill would provide, subject to exceptions, that data collected by an unmanned aircraft system pursuant to a warrant be destroyed after one year. The bill would provide that data collected by an unmanned aircraft system would be subject to disclosure pursuant to the California Public Records Act. The bill would require local public agencies to provide reasonable public notice regarding the acquisition of an unmanned aircraft system. The bill would require that data collected by a public agency not be disseminated or provided to a law enforcement agency without a warrant, or unless required by law. The*

bill would require an unmanned aircraft system to be painted or labeled in a way that provides high visibility of the unmanned aircraft system.

Existing law provides that a search warrant may only be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing or things, and the place to be searched.

This bill would require a law enforcement agency to obtain a search warrant when using an unmanned aircraft, as specified, and require that an application for the search warrant specify if an unmanned aircraft system, as defined, will be used in the execution of the search warrant, and the intended purpose for which the unmanned aircraft system will be used.

This bill would also state the intent of the Legislature to enact legislation that would establish appropriate standards for the use of unmanned aircraft systems.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Recent developments and innovations have allowed computer
4 technology to advance to the point where vehicles, including
5 aircraft, can operate without the need of an on-board operator.

6 (b) On February 14, 2012, President Obama signed into law the
7 Federal Aviation Administration Modernization and Reform Act
8 of 2012, which, among other things, requires the Federal Aviation
9 Administration to fully integrate government, commercial, and
10 recreational unmanned aircraft systems, commonly known as
11 “drones,” into United States airspace before October 2015.

12 (c) While privately and publicly operated unmanned aircraft
13 systems can have a legitimate role in areas such as agriculture,
14 scientific research, and public safety, these systems present new
15 challenges to the privacy and due process rights of Californians.

1 (d) Both public and private operators of unmanned aircraft
2 systems have a responsibility not to infringe on the rights, property,
3 or privacy of the citizens of California, and any data, information,
4 photographs, video, or recordings of individuals, both public and
5 private, should be minimized and retained in a manner consistent
6 with current privacy standards.

7 (e) It is the intent of the Legislature to enact legislation that
8 would establish appropriate standards for the use of unmanned
9 aircraft systems in California.

10 SEC. 2. Section 1708.8 of the Civil Code is amended to read:

11 1708.8. (a) A person is liable for physical invasion of privacy
12 when the defendant knowingly enters onto the land of another
13 person without permission or otherwise committed a trespass in
14 order to physically invade the privacy of the plaintiff with the
15 intent to capture any type of visual image, sound recording, or
16 other physical impression of the plaintiff engaging in a personal
17 or familial activity and the physical invasion occurs in a manner
18 that is offensive to a reasonable person.

19 (b) A person is liable for constructive invasion of privacy when
20 the defendant attempts to capture, in a manner that is offensive to
21 a reasonable person, any type of visual image, sound recording,
22 or other physical impression of the plaintiff engaging in a personal
23 or familial activity under circumstances in which the plaintiff had
24 a reasonable expectation of privacy, through the use of a visual or
25 auditory enhancing device, or through the use of an unmanned
26 aircraft system as defined in Section 14350 of the Penal Code,
27 regardless of whether there is a physical trespass, if this image,
28 sound recording, or other physical impression could not have been
29 achieved without a trespass unless the visual or auditory enhancing
30 device or unmanned aircraft system was used.

31 (c) An assault or false imprisonment committed with the intent
32 to capture any type of visual image, sound recording, or other
33 physical impression of the plaintiff is subject to subdivisions (d),
34 (e), and (h).

35 (d) A person who commits any act described in subdivision (a),
36 (b), or (c) is liable for up to three times the amount of any general
37 and special damages that are proximately caused by the violation
38 of this section. This person may also be liable for punitive damages,
39 subject to proof according to Section 3294. If the plaintiff proves
40 that the invasion of privacy was committed for a commercial

1 purpose, the defendant shall also be subject to disgorgement to the
2 plaintiff of any proceeds or other consideration obtained as a result
3 of the violation of this section. A person who comes within the
4 description of this subdivision is also subject to a civil fine of not
5 less than five thousand dollars (\$5,000) and not more than fifty
6 thousand dollars (\$50,000).

7 (e) A person who directs, solicits, actually induces, or actually
8 causes another person, regardless of whether there is an
9 employer-employee relationship, to violate any provision of
10 subdivision (a), (b), or (c) is liable for any general, special, and
11 consequential damages resulting from each violation. In addition,
12 the person that directs, solicits, actually induces, or actually causes
13 another person, regardless of whether there is an
14 employer-employee relationship, to violate this section shall be
15 liable for punitive damages to the extent that an employer would
16 be subject to punitive damages pursuant to subdivision (b) of
17 Section 3294. A person who comes within the description of this
18 subdivision is also subject to a civil fine of not less than five
19 thousand dollars (\$5,000) and not more than fifty thousand dollars
20 (\$50,000).

21 (f) (1) The transmission, publication, broadcast, sale, offer for
22 sale, or other use of any visual image, sound recording, or other
23 physical impression that was taken or captured in violation of
24 subdivision (a), (b), or (c) shall not constitute a violation of this
25 section unless the person, in the first transaction following the
26 taking or capture of the visual image, sound recording, or other
27 physical impression, publicly transmitted, published, broadcast,
28 sold or offered for sale, the visual image, sound recording, or other
29 physical impression with actual knowledge that it was taken or
30 captured in violation of subdivision (a), (b), or (c), and was
31 provided compensation, consideration, or remuneration, monetary
32 or otherwise, for the rights to the unlawfully obtained visual image,
33 sound recording, or other physical impression.

34 (2) For the purposes of paragraph (1), “actual knowledge” means
35 actual awareness, understanding, and recognition, obtained prior
36 to the time at which the person purchased or acquired the visual
37 image, sound recording, or other physical impression, that the
38 visual image, sound recording, or other physical impression was
39 taken or captured in violation of subdivision (a), (b), or (c). The

1 plaintiff shall establish actual knowledge by clear and convincing
2 evidence.

3 (3) Any person that publicly transmits, publishes, broadcasts,
4 sells or offers for sale, in any form, medium, format or work, a
5 visual image, sound recording, or other physical impression that
6 was previously publicly transmitted, published, broadcast, sold or
7 offered for sale, by another person, is exempt from liability under
8 this section.

9 (4) If a person's first public transmission, publication, broadcast,
10 or sale or offer for sale, of a visual image, sound recording, or
11 other physical impression that was taken or captured in violation
12 of subdivision (a), (b), or (c), does not constitute a violation of this
13 section, that person's subsequent public transmission, publication,
14 broadcast, sale or offer for sale, in any form, medium, format or
15 work, of the visual image, sound recording, or other physical
16 impression, does not constitute a violation of this section.

17 (5) This section applies only to a visual image, sound recording,
18 or other physical impression that is captured or taken in California
19 in violation of subdivision (a), (b), or (c) after January 1, 2010,
20 and shall not apply to any visual image, sound recording, or other
21 physical impression taken or captured outside of California.

22 (6) Nothing in this subdivision shall be construed to impair or
23 limit a special motion to strike pursuant to Section 425.16, 425.17,
24 or 425.18 of the Code of Civil Procedure.

25 (7) This section shall not be construed to limit any other cause
26 of action, right, or remedy of the plaintiff in law or equity,
27 including, but not limited to, the publication of private facts.

28 (g) This section shall not be construed to impair or limit any
29 otherwise lawful activities of law enforcement personnel or
30 employees of governmental agencies or other entities, either public
31 or private who, in the course and scope of their employment, and
32 supported by an articulable suspicion, attempt to capture any type
33 of visual image, sound recording, or other physical impression of
34 a person during an investigation, surveillance, or monitoring of
35 any conduct to obtain evidence of suspected illegal activity or
36 other misconduct, the suspected violation of any administrative
37 rule or regulation, a suspected fraudulent conduct, or any activity
38 involving a violation of law or business practices or conduct of
39 public officials adversely affecting the public welfare, health, or

1 safety. *This subdivision shall not apply to the use of an unmanned*
2 *aircraft system.*

3 (h) In any action pursuant to this section, the court may grant
4 equitable relief, including, but not limited to, an injunction and
5 restraining order against further violations of subdivision (a), (b),
6 or (c).

7 (i) The rights and remedies provided in this section are
8 cumulative and in addition to any other rights and remedies
9 provided by law.

10 (j) It is not a defense to a violation of this section that no image,
11 recording, or physical impression was captured or sold.

12 (k) For the purposes of this section, “for a commercial purpose”
13 means any act done with the expectation of a sale, financial gain,
14 or other consideration. A visual image, sound recording, or other
15 physical impression shall not be found to have been, or intended
16 to have been, captured for a commercial purpose unless it is
17 intended to be, or was in fact, sold, published, or transmitted.

18 (l) For the purposes of this section, “personal and familial
19 activity” includes, but is not limited to, intimate details of the
20 plaintiff’s personal life, interactions with the plaintiff’s family or
21 significant others, or other aspects of the plaintiff’s private affairs
22 or concerns. “Personal and familial activity” does not include
23 illegal or otherwise criminal activity as delineated in subdivision
24 (g). However, “personal and familial activity” shall include the
25 activities of victims of crime in circumstances under which
26 subdivision (a), (b), or (c) would apply.

27 (m) (1) A proceeding to recover the civil fines specified in
28 subdivision (d) or (e) may be brought in any court of competent
29 jurisdiction by a county counsel or city attorney.

30 (2) Fines collected pursuant to this subdivision shall be allocated,
31 as follows:

32 (A) One-half shall be allocated to the prosecuting agency.

33 (B) One-half shall be deposited in the Arts and Entertainment
34 Fund, which is hereby created in the State Treasury.

35 (3) Funds in the Arts and Entertainment Fund created pursuant
36 to paragraph (2) may be expended by the California Arts Council,
37 upon appropriation by the Legislature, to issue grants pursuant to
38 the Dixon-Zenovich-Maddy California Arts Act of 1975 (Chapter
39 9 (commencing with Section 8750) of Division 1 of Title 2 of the
40 Government Code).

1 (4) The rights and remedies provided in this subdivision are
2 cumulative and in addition to any other rights and remedies
3 provided by law.

4 (n) The provisions of this section are severable. If any provision
5 of this section or its application is held invalid, that invalidity shall
6 not affect other provisions or applications that can be given effect
7 without the invalid provision or application.

8 SEC. 3. Section 632 of the Penal Code is amended to read:

9 632. (a) Every person who, intentionally and without the
10 consent of all parties to a confidential communication, by means
11 of any electronic amplifying or recording device, including a device
12 affixed to or contained within an unmanned aircraft system as
13 defined in Section 14350, eavesdrops upon or records the
14 confidential communication, whether the communication is carried
15 on among the parties in the presence of one another or by means
16 of a telegraph, telephone, or other device, except a radio, shall be
17 punished by a fine not exceeding two thousand five hundred dollars
18 (\$2,500), or imprisonment in a county jail not exceeding one year,
19 or in the state prison, or by both that fine and imprisonment. If the
20 person has previously been convicted of a violation of this section
21 or Section 631, 632.5, 632.6, 632.7, or 636, the person shall be
22 punished by a fine not exceeding ten thousand dollars (\$10,000),
23 by imprisonment in a county jail not exceeding one year, or in the
24 state prison, or by both that fine and imprisonment.

25 (b) The term “person” includes an individual, business
26 association, partnership, corporation, limited liability company,
27 or other legal entity, and an individual acting or purporting to act
28 for or on behalf of any government or subdivision thereof, whether
29 federal, state, or local, but excludes an individual known by all
30 parties to a confidential communication to be overhearing or
31 recording the communication.

32 (c) The term “confidential communication” includes any
33 communication carried on in circumstances as may reasonably
34 indicate that any party to the communication desires it to be
35 confined to the parties thereto, but excludes a communication made
36 in a public gathering or in any legislative, judicial, executive or
37 administrative proceeding open to the public, or in any other
38 circumstance in which the parties to the communication may
39 reasonably expect that the communication may be overheard or
40 recorded.

1 (d) Except as proof in an action or prosecution for violation of
2 this section, no evidence obtained as a result of eavesdropping
3 upon or recording a confidential communication in violation of
4 this section shall be admissible in any judicial, administrative,
5 legislative, or other proceeding.

6 (e) This section does not apply (1) to any public utility engaged
7 in the business of providing communications services and facilities,
8 or to the officers, employees or agents thereof, where the acts
9 otherwise prohibited by this section are for the purpose of
10 construction, maintenance, conduct or operation of the services
11 and facilities of the public utility, or (2) to the use of any
12 instrument, equipment, facility, or service furnished and used
13 pursuant to the tariffs of a public utility, or (3) to any telephonic
14 communication system used for communication exclusively within
15 a state, county, city and county, or city correctional facility.

16 (f) This section does not apply to the use of hearing aids and
17 similar devices, by persons afflicted with impaired hearing, for
18 the purpose of overcoming the impairment to permit the hearing
19 of sounds ordinarily audible to the human ear.

20 SEC. 4. Section 647 of the Penal Code is amended to read:

21 647. Except as provided in subdivision (l), every person who
22 commits any of the following acts is guilty of disorderly conduct,
23 a misdemeanor:

24 (a) Who solicits anyone to engage in or who engages in lewd
25 or dissolute conduct in any public place or in any place open to
26 the public or exposed to public view.

27 (b) Who solicits or who agrees to engage in or who engages in
28 any act of prostitution. A person agrees to engage in an act of
29 prostitution when, with specific intent to so engage, he or she
30 manifests an acceptance of an offer or solicitation to so engage,
31 regardless of whether the offer or solicitation was made by a person
32 who also possessed the specific intent to engage in prostitution.
33 No agreement to engage in an act of prostitution shall constitute
34 a violation of this subdivision unless some act, in addition to the
35 agreement, is done within this state in furtherance of the
36 commission of an act of prostitution by the person agreeing to
37 engage in that act. As used in this subdivision, "prostitution"
38 includes any lewd act between persons for money or other
39 consideration.

1 (c) Who accosts other persons in any public place or in any
2 place open to the public for the purpose of begging or soliciting
3 alms.

4 (d) Who loiters in or about any toilet open to the public for the
5 purpose of engaging in or soliciting any lewd or lascivious or any
6 unlawful act.

7 (e) Who lodges in any building, structure, vehicle, or place,
8 whether public or private, without the permission of the owner or
9 person entitled to the possession or in control of it.

10 (f) Who is found in any public place under the influence of
11 intoxicating liquor, any drug, controlled substance, toluene, or any
12 combination of any intoxicating liquor, drug, controlled substance,
13 or toluene, in a condition that he or she is unable to exercise care
14 for his or her own safety or the safety of others, or by reason of
15 his or her being under the influence of intoxicating liquor, any
16 drug, controlled substance, toluene, or any combination of any
17 intoxicating liquor, drug, or toluene, interferes with or obstructs
18 or prevents the free use of any street, sidewalk, or other public
19 way.

20 (g) When a person has violated subdivision (f), a peace officer,
21 if he or she is reasonably able to do so, shall place the person, or
22 cause him or her to be placed, in civil protective custody. The
23 person shall be taken to a facility, designated pursuant to Section
24 5170 of the Welfare and Institutions Code, for the 72-hour
25 treatment and evaluation of inebriates. A peace officer may place
26 a person in civil protective custody with that kind and degree of
27 force which would be lawful were he or she effecting an arrest for
28 a misdemeanor without a warrant. No person who has been placed
29 in civil protective custody shall thereafter be subject to any criminal
30 prosecution or juvenile court proceeding based on the facts giving
31 rise to this placement. This subdivision shall not apply to the
32 following persons:

33 (1) Any person who is under the influence of any drug, or under
34 the combined influence of intoxicating liquor and any drug.

35 (2) Any person who a peace officer has probable cause to believe
36 has committed any felony, or who has committed any misdemeanor
37 in addition to subdivision (f).

38 (3) Any person who a peace officer in good faith believes will
39 attempt escape or will be unreasonably difficult for medical
40 personnel to control.

1 (h) Who loiters, prowls, or wanders upon the private property
2 of another, at any time, without visible or lawful business with the
3 owner or occupant. As used in this subdivision, “loiter” means to
4 delay or linger without a lawful purpose for being on the property
5 and for the purpose of committing a crime as opportunity may be
6 discovered.

7 (i) Who, while loitering, prowling, or wandering upon the private
8 property of another, at any time, peeks in the door or window of
9 any inhabited building or structure, without visible or lawful
10 business with the owner or occupant.

11 (j) (1) Any person who looks through a hole or opening, into,
12 or otherwise views, by means of any instrumentality, including,
13 but not limited to, a periscope, telescope, binoculars, camera,
14 motion picture camera, camcorder, or mobile phone, or by means
15 of any of these instrumentalities affixed to or contained within an
16 unmanned aircraft system as defined in Section 14350, the interior
17 of a bedroom, bathroom, changing room, fitting room, dressing
18 room, or tanning booth, or the interior of any other area in which
19 the occupant has a reasonable expectation of privacy, with the
20 intent to invade the privacy of a person or persons inside. This
21 subdivision shall not apply to those areas of a private business
22 used to count currency or other negotiable instruments.

23 (2) Any person who uses a concealed camcorder, motion picture
24 camera, or photographic camera of any type, including any of those
25 devices when affixed to or contained within an unmanned aircraft
26 system, to secretly videotape, film, photograph, or record by
27 electronic means, another, identifiable person under or through
28 the clothing being worn by that other person, for the purpose of
29 viewing the body of, or the undergarments worn by, that other
30 person, without the consent or knowledge of that other person,
31 with the intent to arouse, appeal to, or gratify the lust, passions,
32 or sexual desires of that person and invade the privacy of that other
33 person, under circumstances in which the other person has a
34 reasonable expectation of privacy.

35 (3) (A) Any person who uses a concealed camcorder, motion
36 picture camera, or photographic camera of any type, including any
37 of those devices when affixed to or contained within an unmanned
38 aircraft system, to secretly videotape, film, photograph, or record
39 by electronic means, another, identifiable person who may be in
40 a state of full or partial undress, for the purpose of viewing the

1 body of, or the undergarments worn by, that other person, without
2 the consent or knowledge of that other person, in the interior of a
3 bedroom, bathroom, changing room, fitting room, dressing room,
4 or tanning booth, or the interior of any other area in which that
5 other person has a reasonable expectation of privacy, with the
6 intent to invade the privacy of that other person.

7 (B) Neither of the following is a defense to the crime specified
8 in this paragraph:

9 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
10 employer, employee, or business partner or associate of the victim,
11 or an agent of any of these.

12 (ii) The victim was not in a state of full or partial undress.

13 (k) (1) In any accusatory pleading charging a violation of
14 subdivision (b), if the defendant has been once previously convicted
15 of a violation of that subdivision, the previous conviction shall be
16 charged in the accusatory pleading. If the previous conviction is
17 found to be true by the jury, upon a jury trial, or by the court, upon
18 a court trial, or is admitted by the defendant, the defendant shall
19 be imprisoned in a county jail for a period of not less than 45 days
20 and shall not be eligible for release upon completion of sentence,
21 on probation, on parole, on work furlough or work release, or on
22 any other basis until he or she has served a period of not less than
23 45 days in a county jail. In all cases in which probation is granted,
24 the court shall require as a condition thereof that the person be
25 confined in a county jail for at least 45 days. In no event does the
26 court have the power to absolve a person who violates this
27 subdivision from the obligation of spending at least 45 days in
28 confinement in a county jail.

29 ~~It~~

30 (2) *In* any accusatory pleading charging a violation of
31 subdivision (b), if the defendant has been previously convicted
32 two or more times of a violation of that subdivision, each of these
33 previous convictions shall be charged in the accusatory pleading.
34 If two or more of these previous convictions are found to be true
35 by the jury, upon a jury trial, or by the court, upon a court trial, or
36 are admitted by the defendant, the defendant shall be imprisoned
37 in a county jail for a period of not less than 90 days and shall not
38 be eligible for release upon completion of sentence, on probation,
39 on parole, on work furlough or work release, or on any other basis
40 until he or she has served a period of not less than 90 days in a

1 county jail. In all cases in which probation is granted, the court
2 shall require as a condition thereof that the person be confined in
3 a county jail for at least 90 days. In no event does the court have
4 the power to absolve a person who violates this subdivision from
5 the obligation of spending at least 90 days in confinement in a
6 county jail.

7 ~~It~~

8 (3) *In* addition to any punishment prescribed by this section, a
9 court may suspend, for not more than 30 days, the privilege of the
10 person to operate a motor vehicle pursuant to Section 13201.5 of
11 the Vehicle Code for any violation of subdivision (b) that was
12 committed within 1,000 feet of a private residence and with the
13 use of a vehicle. In lieu of the suspension, the court may order a
14 person's privilege to operate a motor vehicle restricted, for not
15 more than six months, to necessary travel to and from the person's
16 place of employment or education. If driving a motor vehicle is
17 necessary to perform the duties of the person's employment, the
18 court may also allow the person to drive in that person's scope of
19 employment.

20 (l) (1) A second or subsequent violation of subdivision (j) is
21 punishable by imprisonment in a county jail not exceeding one
22 year, or by a fine not exceeding two thousand dollars (\$2,000), or
23 by both that fine and imprisonment.

24 (2) If the victim of a violation of subdivision (j) was a minor at
25 the time of the offense, the violation is punishable by imprisonment
26 in a county jail not exceeding one year, or by a fine not exceeding
27 two thousand dollars (\$2,000), or by both that fine and
28 imprisonment.

29 SEC. 5. Title 14 (commencing with Section 14350) is added
30 to Part 4 of the Penal Code, to read:

31

32 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

33

34 14350. "Unmanned aircraft system" means unmanned aircraft
35 and associated elements, including communication links and the
36 components that control the unmanned aircraft, that are required
37 for the pilot in command to operate the unmanned aircraft safely
38 and efficiently within the national airspace system.

39 14351. (a) An unmanned aircraft system may not be equipped
40 with a weapon.

1 (b) Equipping an unmanned aircraft system with a weapon is
2 punishable by a fine not exceeding one thousand dollars (\$1,000),
3 or by imprisonment in a county jail not exceeding three months,
4 or by both the fine and imprisonment.

5 (c) For purposes of this section, “weapon” means any instrument
6 likely to produce great bodily injury or damage to, or the
7 destruction of, real or personal property.

8 (d) This section and any other provision of this part which makes
9 a violation of this title a crime shall not preclude application of
10 any other criminal provision to an act or omission which constitutes
11 a violation of this part.

12 14352. (a) A law enforcement agency shall obtain a search
13 warrant ~~when using to use~~ an unmanned aircraft system under
14 circumstances where ~~a search warrant is required~~ *the subject has*
15 *a reasonable expectation of privacy, and the warrant shall only*
16 *be issued if that reasonable expectation of privacy is outweighed*
17 *by a legitimate public safety interest supported by probable cause.*

18 (b) A search warrant is not required for the use of an unmanned
19 aircraft system under circumstances where there is an exception
20 to the search warrant requirement, or under exigent circumstances.

21 (c) The search warrant application shall specify if an unmanned
22 aircraft system, as defined in Section 14350, will be used in the
23 execution of the search warrant, and the intended purpose for which
24 the unmanned aircraft system will be used.

25 14353. (a) *A public agency may use an unmanned aircraft*
26 *system only for purposes within the scope of that agency’s*
27 *authorized duties and responsibilities. The use of an unmanned*
28 *aircraft system by a requesting agency pursuant to an interagency*
29 *request for mutual assistance shall be within the scope of the*
30 *requesting agencies duties and responsibilities and shall not be*
31 *considered a use outside of the duties of the responding agency.*

32 (b) *Data collected by an unmanned aircraft operated by an*
33 *agency other than a law enforcement agency shall not be*
34 *disseminated or provided to a law enforcement agency unless the*
35 *law enforcement agency has obtained a warrant for the data based*
36 *upon probable cause or unless required by law.*

37 14354. (a) *During the operation of an unmanned aircraft*
38 *system by a public agency, the agency collecting or receiving the*
39 *data shall, to the extent practicable, minimize the collection and*
40 *retention of data.*

1 (b) *If a warrant authorized collection of or access to images,*
2 *footage, or data obtained by a public agency through the use of*
3 *an unmanned aircraft system, the images, footage, or data shall*
4 *be destroyed after one year, except to the extent required as*
5 *evidence of a crime, as part of an ongoing investigation of a crime,*
6 *for use for training purposes, or pursuant to a court order.*

7 (c) *Images, footage, or data retained by a public agency shall*
8 *be subject to disclosure pursuant to the California Public Records*
9 *Act (Chapter 3.5 (commencing with Section 6250) of Division 7*
10 *of Title 1 of the Government Code).*

11 *14355. The acquisition of an unmanned aircraft system by a*
12 *local public agency shall be subject to reasonable public notice*
13 *by the applicable local public agency's legislative body.*

14 *14356. An unmanned aircraft system operated by a public*
15 *agency shall be painted or labeled in a way that provides high*
16 *visibility of the unmanned aircraft system.*

17 SEC. 6. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.