

IN THE SENATE

SENATE BILL NO. 1067

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO AERONAUTICS; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 2, TI-
2 TLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-213, IDAHO CODE,
3 TO PROVIDE DEFINITIONS; AMENDING CHAPTER 2, TITLE 21, IDAHO CODE, BY
4 THE ADDITION OF A NEW SECTION 21-214, IDAHO CODE, TO ESTABLISH PROVI-
5 SIONS RELATING TO RESTRICTIONS ON GATHERING EVIDENCE OR OTHER INFORMA-
6 TION THROUGH THE USE OF A DRONE OR OTHER UNMANNED AIRCRAFT AND TO PROVIDE
7 FOR CONSENT; AMENDING CHAPTER 2, TITLE 21, IDAHO CODE, BY THE ADDITION
8 OF A NEW SECTION 21-215, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING
9 TO THE USE OF A DRONE BY A LAW ENFORCEMENT AGENCY WHEN EXIGENT CIRCUM-
10 STANCES EXIST; AND AMENDING CHAPTER 2, TITLE 21, IDAHO CODE, BY THE AD-
11 DITION OF A NEW SECTION 21-216, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
12 LATING TO A CIVIL ACTION AND TO PROVIDE THAT NO INFORMATION OBTAINED IN
13 VIOLATION OF THE PROVISIONS OF THIS ACT MAY BE ADMISSIBLE AS EVIDENCE IN
14 CERTAIN PROCEEDINGS.
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16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. SHORT TITLE. This act may be cited as the "Preserving Freedom
18 from Unwarranted Surveillance Act."

19 SECTION 2. That Chapter 2, Title 21, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 21-213, Idaho Code, and to read as follows:

22 21-213. FREEDOM FROM UNWARRANTED SURVEILLANCE -- DEFINITIONS. For the
23 purposes of sections 21-214, 21-215 and 21-216, Idaho Code, the following
24 terms have the following meanings:

25 (1) "Drone" means any powered aerial vehicle that does not carry a hu-
26 man operator, uses aerodynamic forces to provide vehicle lift, can fly au-
27 tonomously or be piloted remotely, can be expendable or recoverable and can
28 carry a lethal or nonlethal payload.

29 (2) "Law enforcement agency" shall have the same meaning as provided
30 for in section 18-4508, Idaho Code.

31 (3) "Unmanned aircraft" means an aircraft that is operated without the
32 possibility of direct human intervention from within or on the aircraft.

33 SECTION 3. That Chapter 2, Title 21, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 21-214, Idaho Code, and to read as follows:

36 21-214. RESTRICTIONS ON GATHERING OF EVIDENCE. (1) No person, entity
37 or state agency shall use a drone or other unmanned aircraft to gather evi-
38 dence or other information pertaining to criminal conduct or conduct in vio-
39 lation of a statute, ordinance, regulation or rule, except to the extent au-
40 thorized in a warrant.

1 (2) No person, entity or state agency shall use a drone or other un-
2 manned aircraft to conduct surveillance of any individual, property owned by
3 an individual, farm or agricultural industry without the consent of that in-
4 dividual, property owner, farm or agricultural industry. An owner of facil-
5 ities located on lands owned by another under a valid easement, permit, li-
6 cense or other right of occupancy is not prohibited by this section from us-
7 ing drones or other unmanned aircraft to aerially inspect such facilities.

8 SECTION 4. That Chapter 2, Title 21, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 21-215, Idaho Code, and to read as follows:

11 21-215. USE OF UNMANNED AIRCRAFT -- EXIGENT CIRCUMSTANCES. The pro-
12 visions of this act do not prohibit the use of a drone by a law enforcement
13 agency when exigent circumstances exist. For the purposes of this section,
14 exigent circumstances exist if a law enforcement agency possesses reason-
15 able suspicion that, under particular circumstances, swift action to pre-
16 vent imminent danger to life is necessary.

17 SECTION 5. That Chapter 2, Title 21, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 21-216, Idaho Code, and to read as follows:

20 21-216. REMEDIES FOR VIOLATION OF THE PROVISIONS OF THIS ACT -- USE OF
21 INFORMATION OBTAINED. (1) In a civil action any aggrieved party may obtain
22 all appropriate relief to prevent or remedy a violation of the provisions of
23 this act.

24 (2) No information obtained or collected in violation of the provisions
25 of this act may be admissible as evidence in a criminal proceeding in any
26 court of law in the state or in an administrative hearing.