

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 26, 2013

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative Palmer

GUESTS: Monica Hopkins, ACLU.

Chairman Loertscher called the meeting to order at 9:01 a.m.

Rep. Woodings made a motion to approve the minutes of March 18, 2013. **Motion carried by voice vote.**

S 1134aa: **Senator Winder** presented **S 1134aa**, a bill that adds a new section to the Idaho Code to define "unmanned aircraft systems" excluding model flying airplanes or rockets, and to exclude unmanned aircraft used in taking commercial photography. He stated the bill provides that no person, entity or state agency may use an unmanned aircraft system to conduct unwarranted surveillance or observation of an individual or a dwelling owned by an individual without reasonable, articulable suspicion of criminal conduct. He said the same restrictions for unwarranted observation or surveillance will be used for a farm, dairy, ranch or other agricultural industry, except for state and local law enforcement agencies engaged in marijuana eradication efforts.

He stated the bill also provides that no person, entity or state agency may use an unmanned aircraft system to photograph an individual without reasonable, articulable suspicion of criminal conduct and without consent from the individual for the purpose of publishing or publicly distributing photographs and that a civil cause of action and a fine in the amount of \$1,000 will be imposed if violated. He stated the bill allows for utility companies to inspect facilities when there is a valid easement permit or right of occupancy as well.

In response to committee questions, **Senator Winder** stated the maximum damages for a person in civil court would be \$1,000, which includes reasonable attorney fees and costs. He stated that in order to use unmanned aircrafts for surveillance you must have a reasonable articulable suspicion or consent from the individual or owner of such property. He said there will be instances in which law enforcement will need a warrant to make surveillance. He stated the aircrafts could not only be equipped with cameras, but with sensors as well.

Monica Hopkins, ACLU, stated she is **in support** of **S 1134aa** but has some recommendations for amendments. She stated that many states have passed similar legislation this year and included a "probable cause warrant" clause in the text to further protect individual rights regarding unreasonable searches and seizures.

MOTION: **Rep. Luker** made a motion to **HOLD S 1134aa** in committee. **Motion carried by voice vote. Reps. Batt and Loertscher** requested to be recorded as voting **NAY**.

In support of the motion, **Rep. Barbieri** stated the language in the bill creates problems with existing laws. He stated the rights of the individuals need to be protected and too much government intrusion needs to be avoided.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 9:44 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary