



BILL & AMENDMENTS SUMMARY

Unmanned Aerial Vehicles/ Drones HF 2289

Status of Bill: House Floor
Committee: House Public Safety (20-0)
Lead Democrats: Reps. Anderson & Berry
Floor Manager: Rep. Klein
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Summary

The bill adds language to the definition of “course of conduct” under stalking (chapter 708.11) so that it would be illegal to use an unmanned aerial vehicle to maintain visual or physical proximity to a person in a manner that is defined as stalking. Section 2 of the bill adds UAVs to the list of materials or resources that are illegal to supply to a person who commits or attempts to commit terrorism.

A new chapter is created, chapter 708C, which outlines the legal and illegal use of UAVs by a state agency or a political subdivision, both are defined as an “agency.” “Unmanned Aerial Vehicle” is defined to be an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.” It is illegal for an UAV to be equipped with a dangerous weapon which is defined to include an instrument or device that is designed for causing damage to property. Nothing in this new chapter applies to an operation, exercise, or mission of any branch of the U.S. military or the Iowa National Guard.

State Agencies and Political Subdivisions

An agency may use an UAV to capture an image or to receive or disclose an image if the agency has received a search warrant that authorizes the use on private property. An agency may use an UAV and not preserve the images under the following circumstances:

- When searching for a suspect who committed a crime.
- When supporting the tactical operation of another agency.
- For crown monitoring at events.

If an emergency exists, which is a reasonable belief that an imminent threat exists to the life or safety of a person, the agency may use an UAV. However, within 48-hours of that emergency, a supervisory official of that agency must file a sworn statement with the court which details the reasons for using the UAV. If the supervisory official fails to file the sworn statement, that official must be removed from any future involvement with that agency’s use of an UAV. Agencies can preserve the captured image(s) for a 48-hour period after an emergency but can preserve them for a longer time period if a court order is received which requires the image(s) to be archived for more than 48 hours.

State agencies must get approval from the General Assembly before acquiring an UAV. If an agency at a county, city, or local government level would like to acquire an UAV, that agency must get approval by the county board of supervisors, city council, or other supervisory legislative body that oversees the political subdivision.

Beginning June 30, 2015, and every June 30 thereafter, each agency that uses an UAV must provide the following information to the Department of Public Safety:

- The number of instances the UAV was used and the purpose of each use.
- The number of crime investigations aided by the UAV and a description of how the UAV aided each investigation.
- The number of instances an UAV was used for purposes other than criminal investigations and a description of how the UAV aided in those purposes.
- The annual cost of that agency's UAV program.

Beginning January 15, 2016, and every January 15 thereafter the Dept. of Public Safety must compile the information submitted by the agencies and present a detailed report to the Legislature's Oversight Committee.

Personal Use

It is illegal for a person to use an UAV to capture an image of individual or private property with the intent to conduct surveillance, or to stalk, follow, or intimidate another person. If the person has given permission for their image to be captured or to have their image received, than nothing illegal is taking place.

The use of an UAV that is equipped to either emit a peculiar sound or excessive noise, spray a liquid or a gas, or drop an object over real property is illegal unless permission is obtained by the owner or tenant of the real property.

The bill has the following criminal penalties for persons who violate the laws associated with UAVs:

- Aggravated misdemeanor if the person violates this law.
- Class D felony if the person violates this law and causes serious injury to another.
- Class C felony if the person violates this law and causes death to another person.

Agricultural Production

Section 4 of the bill makes it illegal for a person to use an UAV to commit the following actions, which are already illegal without the consent of the owner:

- Exercise control over an animal facility including property of the animal facility, or an animal maintained at an animal facility, with intent to deprive the animal facility of an animal or property.
- Enter onto or into an animal facility, or remain on or in an animal facility, if the person has notice that the facility is not open to the public and has the intent to do specific items which are spelled out in chapter 717A.

Amendment Summary

H-8024 & H-8031 by Klein (R) – to be withdrawn.

H-8035 by Klein (R) – this amendment does the following items:

- Clarifies that if an agency is going to court to seek permission to retain a captured image that it will be in district court.
- States that it would be legal for a person to use an UAV to capture or receive an image of an individual if that individual is on public property.
- Authorizes accredited postsecondary institutions to use UAVs to capture or receive an image for research purposes, or to retain or distribute such an image. However, this authorization is not extended to a special security officer or a security agency employed by or otherwise connected with the institution.
- Limits the reporting to the Department of Public Safety to only state agencies, rather than all agencies, and states that political subdivisions must report to their legislative body if required to do so by their legislative body.