

1 SB317
2 148624-2
3 By Senators Sanford and Beason
4 RFD: Judiciary
5 First Read: 12-MAR-13

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8 SYNOPSIS: This bill would prohibit any government
9 agency from using a drone to gather evidence or
10 other information with certain exceptions for
11 certain risks of terrorist attack and other
12 specified law enforcement purposes.

13 This bill would provide that any evidence
14 gathered by a drone in violation of this act is
15 inadmissible in any criminal prosecution.

16 The bill also authorizes an aggrieved party
17 to initiate a civil action against a law
18 enforcement agency that violates this act.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Relating to searches and seizures, to prohibit any
25 government agency from using a drone to gather evidence or
26 other information; to provide definitions; to provide
27 exceptions; to authorize an aggrieved party to initiate a

1 civil action in order to prevent or remedy a violation of this
2 act; and to prohibit a law enforcement agency from using in
3 any court of law in this state evidence obtained or collected
4 in violation of this act.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) As used in this section, the
7 following terms shall have the following meanings:

8 (1) DRONE. A powered, aerial vehicle that satisfies
9 all of the following:

- 10 a. Does not carry a human operator.
- 11 b. Uses aerodynamic forces to provide vehicle lift.
- 12 c. Can fly autonomously or be piloted remotely.
- 13 d. Can be expendable or recoverable.
- 14 e. Can carry a lethal or nonlethal payload.

15 (2) GOVERNMENT AGENCY. Any municipal, county, state,
16 or federal agency the personnel of which have the power of
17 arrest and perform a law enforcement function.

18 (b) (1) Except as otherwise provided in subdivision
19 (2), a law enforcement agency may not use a drone to gather
20 evidence or other information.

21 (2) Notwithstanding subdivision (1), a law
22 enforcement agency may use a drone under any of the following
23 circumstances:

- 24 a. To counter a high risk of a terrorist attack by a
25 specific individual or organization if the United States
26 Secretary of Homeland Security or the Alabama Director of

1 Homeland Security determines that credible intelligence
2 indicates that there is such a risk.

3 b. If the government agency first obtains a search
4 warrant signed by a judge authorizing the use of a drone.

5 c. If the law enforcement agency possesses
6 reasonable suspicion that, under particular circumstances,
7 swift action is needed to prevent imminent danger to life or
8 to forestall the imminent escape of a suspect.

9 (c) An aggrieved party may initiate a civil action
10 against any government agency in violation of this act to
11 obtain all appropriate relief to prevent or remedy the
12 violation.

13 (d) Evidence obtained or collected in violation of
14 this act is not admissible as evidence in a criminal
15 prosecution in any state court.

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.