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CS FOR HOUSE BILL NO. 255(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/10/14

Referred: Rules

Sponsor(s): REPRESENTATIVES HUGHES, HIGGINS, THOMPSON, AND PRUITT, Isaacson, Millett, Muñoz, Holmes, Neuman, Kawasaki, Johnson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unmanned aircraft systems; and relating to images captured by an**
2 **unmanned aircraft system."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 14.40 is amended by adding a new section to read:

5 **Sec. 14.40.082. Unmanned aircraft system training.** The University of
6 Alaska may establish a training program in the operation of unmanned aircraft
7 systems.

8 *** Sec. 2.** AS 18.65 is amended by adding new sections to read:

9 **Article 13. Law Enforcement Use of Unmanned Aircraft Systems.**

10 **Sec. 18.65.900. Use of unmanned aircraft systems.** Except as provided in
11 AS 18.65.900 - 18.65.909, a law enforcement agency may not use an unmanned
12 aircraft system.

13 **Sec. 18.65.901. Operational requirements for unmanned aircraft systems.**

14 (a) A law enforcement agency shall adopt procedures for the use of unmanned aircraft

1 systems. The procedures adopted under this section must require, at a minimum, that
2 the law enforcement agency

3 (1) obtain any authorization, permit, or certificate required by the
4 Federal Aviation Administration to operate the unmanned aircraft system;

5 (2) allow the unmanned aircraft system to be operated only by
6 unmanned aircraft system pilots and crew members who have been trained and
7 certified in the operation of the unmanned aircraft system and only under the
8 supervision of officials trained in the policies and procedures governing the use of the
9 unmanned aircraft system;

10 (3) provide that the flight of an unmanned aircraft system be approved
11 by the commissioner or deputy commissioner of public safety or the chief
12 administrative officer of the law enforcement agency or the officer's designee;

13 (4) ensure that the flight of an unmanned aircraft system be for a
14 public purpose;

15 (5) maintain a record of each flight, including the time, date, and
16 purpose of the flight, and the identity of the authorizing official;

17 (6) establish an auditable flight record system, including the
18 documentation of a change in a flight time record;

19 (7) establish a method for notifying the public of the operation of an
20 unmanned aircraft system, unless notifying the public would endanger the safety of a
21 person;

22 (8) provide for community involvement in the development of the
23 policies required in this section, including the consideration of public comment.

24 (b) In this section, "chief administrative officer" has the meaning given in
25 AS 18.65.290.

26 **Sec. 18.65.902. Use of an unmanned aircraft system by a law enforcement**
27 **agency.** A law enforcement agency may use an unmanned aircraft system

28 (1) to gather evidence in a criminal investigation

29 (A) under the express terms of a search warrant issued by a
30 court; or

31 (B) in accordance with a judicially recognized exception to the

1 warrant requirement; or

2 (2) in situations and for uses not involving a criminal investigation and
3 not intended to lead to the production of evidence for use in a criminal investigation, if
4 the use does not constitute an unwarranted invasion of personal privacy and is
5 consistent with the procedures in AS 18.65.901.

6 **Sec. 18.65.903. Retention of images.** (a) A law enforcement agency may not
7 retain images captured by an unmanned aircraft system unless retention of the image is
8 required

9 (1) as part of an investigation or prosecution;

10 (2) for training purposes; or

11 (3) by federal or state law or by municipal ordinance.

12 (b) Images that may not be retained under (a) of this section are confidential
13 and are not public records under AS 40.25.100 - 40.25.295.

14 **Sec. 18.65.909. Definitions.** In AS 18.65.900 - 18.65.909,

15 (1) "law enforcement agency" has the meaning given in AS 12.36.090;

16 (2) "unmanned aircraft system" means an unmanned aircraft that is
17 operated without direct human intervention from inside or on the aircraft and includes
18 the associated support equipment, control station, data links, telemetry,
19 communications, and navigation equipment necessary to operate the unmanned
20 aircraft;

21 (3) "unmanned aircraft system crew member" means a person other
22 than an unmanned aircraft system pilot who is assigned to duties related to an
23 unmanned aircraft system during flight;

24 (4) "unmanned aircraft system pilot" means a person exercising control
25 over an unmanned aircraft system during flight.

26 * **Sec. 3.** AS 29.10.200 is amended by adding a new paragraph to read:

27 (63) AS 29.35.146 (images captured by unmanned aircraft systems).

28 * **Sec. 4.** AS 29.35 is amended by adding a new section to article 2 to read:

29 **Sec. 29.35.146. Regulation of unmanned aircraft systems.** (a) A
30 municipality may not adopt an ordinance that permits the release of images captured
31 by an unmanned aircraft system in a manner inconsistent with AS 18.65.903.

1 (b) In this section, "unmanned aircraft system" has the meaning given in
2 AS 18.65.909.