

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1556 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Paul Wesselhoft

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1556

By: Wesselhoft

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to aircraft; creating the Oklahoma Unmanned Aerial Surveillance Act; defining terms; prohibiting operation of an unmanned aircraft system for surveillance; providing exceptions; providing penalties; authorizing civil remedy; prohibiting information acquired through surveillance from being presented; providing exceptions; requiring deletion of data acquired in certain circumstances; excepting certain data; permitting incidental overflight of unmanned aircraft; proscribing surveillance during overflight; providing exception; requiring deletion of information gathered during overflight; excepting certain information; providing penalties; prohibiting operation of a weaponized unmanned aircraft; prescribing penalties; excepting military personnel; limiting liability of unmanned aircraft manufacturer or seller; construing provision; providing for codification; providing for noncodification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

1 Sections 1 through 7 of this act shall be known and may be cited  
2 as the Oklahoma Unmanned Aerial Surveillance Act.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 400 of Title 3, unless there is  
5 created a duplication in numbering, reads as follows:

6 As used in the Oklahoma Unmanned Aerial Surveillance Act:

7 1. "Aircraft" means any contrivance now known, or hereafter  
8 invented, used or designed for navigation of or flight in the air or  
9 airspace;

10 2. "Court" means a court of competent jurisdiction, which for  
11 purposes of this act includes any Oklahoma court established  
12 pursuant to Section 1 of Article VII of the Oklahoma Constitution;

13 3. "Surveillance" means any activity the purpose of which is to  
14 gather any type of media, data, information, or evidence of any kind  
15 relating to the person, property, activities, acquaintances,  
16 associations, movements, choices, conduct, or appearance of another  
17 person or organization;

18 4. "Unmanned aircraft" means an aircraft that is operated  
19 without the possibility of human intervention from within or on the  
20 aircraft; and

21 5. "Unmanned aircraft system" means an unmanned aircraft and  
22 associated elements, including communication links, the components  
23 or systems that control the unmanned aircraft, and any devices,  
24

1 components, or systems by which data are gathered, transmitted, or  
2 recorded.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 401 of Title 3, unless there is  
5 created a duplication in numbering, reads as follows:

6 A. Except as otherwise specifically authorized in the Oklahoma  
7 Unmanned Aerial Surveillance Act, it shall be unlawful to operate an  
8 unmanned aircraft system for or in connection to surveillance within  
9 the state.

10 B. Notwithstanding the prohibition of subsection A of this  
11 section, it shall be lawful to operate an unmanned aircraft system  
12 within the state for surveillance, when the operator is:

13 1. A law enforcement agency or peace officer acting on a valid  
14 search warrant issued by a court of competent jurisdiction, and in  
15 full compliance with Sections 1221 through 1238 of Title 22 of the  
16 Oklahoma Statutes;

17 2. A law enforcement agency or peace officer acting in good-  
18 faith reliance on a court order or legislative or statutory  
19 authority;

20 3. A law enforcement agency, peace officer, emergency services  
21 provider, or private contractor therewith, when conducting a search  
22 for a missing person, provided it is reasonable to believe that  
23 there is an imminent threat to the life or safety of the person, and  
24 the purpose of the surveillance is to assist the person. A

1 reasonable articulable basis for this belief shall be placed in a  
2 written, sworn statement within twenty-four (24) hours of the  
3 commencement of surveillance and shall be maintained by the law  
4 enforcement agency, peace officer, or emergency services provider as  
5 a public record that shall be disclosed on request, but may be  
6 redacted to prevent release of confidential or private information  
7 regarding the missing person;

8 4. A firefighting or emergency services agency or department,  
9 or other agency or individual acting in support thereof, when  
10 responding to a wildfire or other natural disaster, provided that  
11 the use of the unmanned aircraft system is necessary to monitor the  
12 progress of the disaster or direct the response. A statement  
13 outlining the necessity shall be placed in a written, sworn  
14 statement within twenty-four (24) hours of the commencement of  
15 surveillance and shall be maintained by the firefighting or  
16 emergency services agency or department as a public record that  
17 shall be disclosed on request;

18 5. Any agency, person, or organization, when acting on the  
19 informed and freely given consent of the person or organization  
20 whose person or property are the subject of the surveillance,  
21 provided the consent is made in writing prior to the commencement of  
22 surveillance; or

23 6. Any authorized public officer or county, state, or federal  
24 agency, when conducting surveillance exclusively of public land or

1 property, provided that the surveillance may not be targeted at  
2 gathering or producing information concerning any private citizens  
3 or organizations that are using or present on the land or property.

4 C. Any person engaging in surveillance in violation of  
5 subsection A of this section shall be guilty of a misdemeanor, and  
6 shall be punished by a sentence of not more than one (1) year in the  
7 county jail and a fine of not less than Five Hundred Dollars  
8 (\$500.00), nor greater than Five Thousand Dollars (\$5,000.00), for  
9 each violation.

10 D. Regardless of whether a criminal prosecution or  
11 investigation is made, any person or organization aggrieved by  
12 conduct in violation of subsection A of this section shall have the  
13 right to bring a civil action against the responsible party or  
14 parties, who shall be liable for treble actual damages. In  
15 addition, any willful or wanton conduct of the violator or  
16 deliberate effort to conceal the violation shall be subject to  
17 punitive damages not to exceed Fifty Thousand Dollars (\$50,000.00)  
18 per violation. A civil claim brought under this subsection shall be  
19 proven by a preponderance of the evidence, and shall be brought any  
20 time within two (2) years of discovery of the surveillance by the  
21 plaintiff.

22 E. No information, data, or media acquired by surveillance in  
23 violation of subsection A of this section, and no evidence derived  
24 therefrom, shall be received in evidence in any trial, hearing, or

1 other proceeding in or before any court, grand jury, department,  
2 officer, agency, regulatory body, legislative committee, or other  
3 authority existing under the laws of this state, except for data  
4 introduced in any proceeding brought against a violator of this act  
5 or data which is incidentally gathered while in transit to the  
6 specified target and a subsequent search warrant application is  
7 authorized and granted by a judge of competent jurisdiction when the  
8 judge finds that the data was otherwise intercepted in accordance  
9 with the provisions of the Oklahoma Unmanned Aerial Surveillance  
10 Act.

11 F. When unmanned aerial vehicles are used pursuant to  
12 subsection B of this section, they shall be operated in a manner to  
13 collect data only on the target of the surveillance and to avoid  
14 data collection on individuals, homes, or areas other than the  
15 target. Data collected on any individual, home, or area other than  
16 the target that justified deployment shall not be used, copied, or  
17 disclosed for any purpose except as provided in subsection E of this  
18 section. The data shall be deleted as soon as possible unless the  
19 data is the subject of a subsequent search warrant application, and  
20 in no event later than one (1) week after collection.

21 SECTION 4. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 402 of Title 3, unless there is  
23 created a duplication in numbering, reads as follows:  
24

1       A. Nothing in the Oklahoma Unmanned Aerial Surveillance Act  
2 shall prohibit an operator of an unmanned aircraft system from  
3 causing or allowing an unmanned aircraft to fly over public or  
4 private land in transit to or from its destination or base of  
5 operation, so long as the overflight is otherwise in compliance with  
6 state and federal law and any applicable Federal Aviation  
7 Administration regulations. During any incidental overflight, an  
8 unmanned aircraft shall use no surveillance system or device  
9 included in or mounted thereon, unless necessary for safe operation  
10 or navigation.

11       B. Any information, media, or data of any kind gathered during  
12 overflight shall be inadmissible in any legal proceeding of any kind  
13 conducted pursuant to the laws of the State of Oklahoma unless the  
14 data is incidentally gathered while in transit to the specified  
15 target and a subsequent search warrant application is authorized and  
16 granted by a judge of competent jurisdiction when the judge finds  
17 that the data was otherwise intercepted in accordance with the  
18 provisions of the Oklahoma Unmanned Aerial Surveillance Act.

19       C. Data collected on any individual, home, or area other than  
20 the target that justified deployment shall not be used, copied, or  
21 disclosed for any purpose except as provided in subsection B of this  
22 section. The data collected shall be deleted as soon as possible  
23 unless the data is the subject of a subsequent search warrant  
24



1 application, and in no event later than one (1) week after  
2 collection.

3 D. Any willful disclosure of media, data, or information,  
4 unless authorized by Section 3 of the Oklahoma Unmanned Aerial  
5 Surveillance Act, shall be punishable as a misdemeanor, with a  
6 sentence not to exceed six (6) months in the county jail and a fine  
7 of not less than Two Hundred Fifty Dollars (\$250.00) nor more than  
8 Two Thousand Five Hundred Dollars (\$2,500.00) per violation.

9 E. Whenever an agent of the state or any political subdivision  
10 of the state uses an unmanned aerial vehicle, no part of the  
11 information acquired and no evidence derived therefrom shall be  
12 received in evidence in any trial, hearing, or other proceeding in  
13 or before any court, grand jury, department, officer, agency,  
14 regulatory body, legislative committee, or other authority of the  
15 state or a political subdivision of the state if the disclosure of  
16 that information would be in violation of this act.

17 SECTION 5. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 403 of Title 3, unless there is  
19 created a duplication in numbering, reads as follows:

20 A. No person shall operate an unmanned aircraft system that  
21 contains, mounts, or possesses any lethal or nonlethal weapon or  
22 weapons system of any kind.

23 B. Any person operating a weaponized unmanned aircraft system  
24 in violation of subsection A of this section shall be guilty of a

1 felony, and shall be punished by a sentence of not more than ten  
2 (10) years in the custody of the Department of Corrections and a  
3 fine of not less than One Thousand Dollars (\$1,000.00), nor greater  
4 than Ten Thousand Dollars (\$10,000.00), for each violation.

5 C. The prohibition and penalties contained in this section  
6 shall not apply to duly authorized members, agents, or contractors  
7 of the United States military, when operating weaponized unmanned  
8 aircraft systems over public land for purposes of testing or  
9 training.

10 SECTION 6. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 404 of Title 3, unless there is  
12 created a duplication in numbering, reads as follows:

13 No manufacturer or seller of an unmanned aircraft system shall  
14 be held liable in any civil or criminal court or tribunal for any  
15 subsequent violation of the Oklahoma Unmanned Aerial Surveillance  
16 Act by any other person, organization, or agency operating an  
17 unmanned aircraft system in surveillance activities.

18 SECTION 7. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 405 of Title 3, unless there is  
20 created a duplication in numbering, reads as follows:

21 Nothing in the Oklahoma Unmanned Aerial Surveillance Act shall  
22 be construed to attempt to override or supersede applicable federal  
23 law.

SECTION 8. This act shall become effective November 1, 2013.

54-1-7263 EK 02/25/13