

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1556  
Page 2-10 Section 2-7 Lines 3  
Of the printed Bill  
Of the Engrossed Bill

By deleting Sections 2 through 7 in their entirety and inserting in lieu thereof the following: [See attached]

And Page 10, Section 8, Line 7 by deleting "2013" and inserting in lieu thereof "2014"

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Paul Wesselhoft

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

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

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

4       As used in the Oklahoma Unmanned Aerial Surveillance Act:

5       1. "Agent of the state or any political subdivision of the  
6 state" means any state or local agency, including but not limited to  
7 a law enforcement entity or any other investigative entity, agency,  
8 department, division, bureau, board or commission or any individual  
9 acting or purporting to act for or on behalf of a state or local  
10 agency; and

11       2. "Unmanned aerial vehicle" means an aircraft that is operated  
12 without the possibility of direct human intervention from within or  
13 on the aircraft.

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

17       A. Any use of unmanned aerial vehicles shall fully comply with  
18 all Federal Aviation Administration requirements and guidelines.

19       B. Except as provided in subsection C of this section, it is  
20 unlawful for an agent of the state or any political subdivision of  
21 the state to operate an unmanned aerial vehicle or to disclose or  
22 receive information acquired through the operation of an unmanned  
23 aerial vehicle.

24       C. Exceptions:

1        1. Consent. It shall not be unlawful under the Oklahoma  
2 Unmanned Aerial Surveillance Act to disclose or receive information  
3 about any person acquired through the operation of an unmanned  
4 aerial vehicle if the person has given written consent to the  
5 disclosure;

6        2. Emergency Situations. It shall not be unlawful under the  
7 Oklahoma Unmanned Aerial Surveillance Act for an agent of the state  
8 or any political subdivision of the state to operate an unmanned  
9 aerial vehicle and for information from the operation to be  
10 disclosed or received if the unmanned aerial vehicle is used in  
11 circumstances in which it is reasonable to believe that there is an  
12 imminent threat to the life or safety of a person, and to assist the  
13 person subject to the following limitations:

14            a. the request shall document the factual basis for the  
15 emergency, and

16            b. not later than forty-eight (48) hours after the agent  
17 of the state or any political subdivision of the state  
18 begins operation of an unmanned aerial vehicle, a  
19 supervisory official shall file a sworn statement with  
20 the appropriate court setting forth the grounds for  
21 the emergency use;

22        3. Warrant or Order.

23            a. An unmanned aerial vehicle may be operated and  
24 information from the operation disclosed in order to

1 collect information from a nonpublic area only  
2 pursuant to a warrant issued by a court of competent  
3 jurisdiction and in full compliance with Sections 1221  
4 through 1241 of Title 22 of the Oklahoma Statutes, or

- 5 b. An unmanned aerial vehicle may be operated and  
6 information from the operation disclosed in order to  
7 collect information from a public area pursuant to a  
8 warrant authorized under subparagraph a of this  
9 paragraph or pursuant to an order issued by any court  
10 of competent jurisdiction if the agent of the state or  
11 any political subdivision of the state offers specific  
12 and articulable facts demonstrating reasonable  
13 suspicion of criminal activity, that the operation of  
14 the public unmanned aircraft system will uncover the  
15 activity, and that alternative methods of data  
16 collection are either cost-prohibitive or present a  
17 significant risk to any person's bodily safety. The  
18 order shall not be issued for a period longer than  
19 forty-eight (48) hours. Extensions of an order may be  
20 granted but shall be no longer than the authorizing  
21 judge deems necessary to achieve the purposes for  
22 which it was granted and in no event for longer than  
23 thirty (30) days;

1        4. Non-law-enforcement operations. It shall not be unlawful  
2 under the Oklahoma Unmanned Aerial Surveillance Act for an agent of  
3 the state or any political subdivision of the state to operate an  
4 unmanned aerial vehicle and for information derived from the  
5 operation to be disclosed if no part of any information and no  
6 evidence derived from the operation may be received as evidence in  
7 any trial, hearing, or other proceeding in or before any court,  
8 grand jury, department, officer, agency, regulatory body,  
9 legislative committee or other authority of the state or a political  
10 subdivision of the state, or for any intelligence purpose; and

11        5. Public land. An unmanned aerial vehicle may be operated by  
12 any authorized agent of the state or any political subdivision of  
13 the state or federal agency, when conducting surveillance  
14 exclusively of public land or property; provided, that the  
15 surveillance shall not be targeted at gathering or producing  
16 information concerning any private individuals or organizations that  
17 are using or present on the land or property. The entity conducting  
18 surveillance shall notify the agency that has oversight of the  
19 target public land or property prior to conducting the surveillance.

20        D. When unmanned aerial vehicles are used pursuant to  
21 subsection C of this section, they shall be operated in a manner to  
22 collect data only on the target and to avoid data collection on  
23 individuals, homes or areas other than the target. Neither facial  
24

1 recognition nor other biometric matching technology may be used on  
2 nontarget data collected by an unmanned aerial vehicle.

3 E. Unmanned aerial vehicles shall not be equipped with weapons  
4 except when used by duly authorized members, agents or contractors  
5 of the Department of Defense or the United States military.

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

9 A. No data collected on an individual, home or area other than  
10 the target that justified deployment may be used, copied or  
11 disclosed for any purpose. The nontarget data shall be deleted as  
12 soon as possible and in no event later than twenty-four (24) hours  
13 after collection.

14 B. Whenever an agent of the state or any political subdivision  
15 of the state uses an unmanned aerial vehicle, no part of information  
16 acquired and no evidence derived therefrom may be received as  
17 evidence in any trial, hearing or other proceeding in or before any  
18 court, grand jury, department, officer, agency, regulatory body,  
19 legislative committee or other authority of the state or any  
20 political subdivision of the state if the disclosure of that  
21 information would be in violation of the Oklahoma Unmanned Aerial  
22 Surveillance Act.

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

4       A.   Emergency Situation Exception.   Notwithstanding any other  
5 provision of the Oklahoma Unmanned Aerial Surveillance Act, an agent  
6 of the state or any political subdivision of the state may operate  
7 an unmanned aerial vehicle and disclose information from the  
8 operation if:

9       1.   The agent of the state or any political subdivision of the  
10 state reasonably determines that an emergency situation exists that:

11       a.   involves:

- 12               (1)   immediate danger of death or serious physical  
13                       injury to any person, including but not limited  
14                       to missing children, wildfires, severe weather or  
15                       other natural disasters,  
16               (2)   conspiratorial activities threatening the  
17                       national security interest, or  
18               (3)   conspiratorial activities characteristic of  
19                       organized crime, and

20       b.   requires operation of an unmanned aerial vehicle  
21               before a warrant or order authorizing an operation  
22               can, with due diligence, be obtained;

23       2.   There are grounds upon which a warrant or order could be  
24 entered to authorize the operation; and

1        3. An application for a warrant or order approving the  
2 operation is made within forty-eight (48) hours after the operation  
3 begins to occur.

4        B. Failure to Obtain a Warrant or Order.

5        1. Termination of Operation. In the absence of a warrant or  
6 order, an operation of an unmanned aerial vehicle carried out under  
7 subsection A of this section shall immediately terminate when the  
8 information sought is obtained or when the application for the  
9 warrant or order is denied, whichever is earlier.

10       2. Prohibition on Use as Evidence. In the event an application  
11 for approval is denied, the information obtained from the operation  
12 of an unmanned aerial vehicle shall be treated as having been  
13 obtained in violation of the Oklahoma Unmanned Aerial Surveillance  
14 Act and an inventory shall be served on the person named in the  
15 application.

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

19       A. An agent of the state or any political subdivision of the  
20 state under paragraph 3 of subsection C of Section 3 of this act or  
21 Section 4 of this act may, where a court order or warrant is sought,  
22 include in the application a request, which the court shall grant,  
23 for an order delaying the notification for a period not to exceed  
24 ninety (90) days, if the court determines that there is reason to



1 believe that notification of the existence of the court order may  
2 have an adverse result described in subsection B of this section.

3 B. An adverse result for the purposes of subsection A of this  
4 section is:

- 5 1. Endangering the life or physical safety of an individual;
- 6 2. Flight from prosecution;
- 7 3. Destruction of or tampering with evidence;
- 8 4. Intimidation of potential witnesses; or
- 9 5. Otherwise seriously jeopardizing an investigation or unduly  
10 delaying a trial.

11 C. Extensions of the delay of notification of up to ninety (90)  
12 days each may be granted by the court upon application or by  
13 certification by the agent of the state or any political subdivision  
14 of the state.

15 D. Upon expiration of the period of delay of notification, the  
16 agent of the state or any political subdivision of the state shall  
17 serve upon, or deliver by registered or first-class mail to, the  
18 person or persons upon whom information was collected, a copy of the  
19 warrant or order together with notice that:

20 1. States with reasonable specificity the nature of the law  
21 enforcement inquiry; and

22 2. Informs the person or persons upon whom information was  
23 collected:

24 a. that notification was delayed,

1           b.    what governmental entity or court made the  
2                certification or determination pursuant to which that  
3                delay was made, and

4           c.    which provision of the Oklahoma Unmanned Aerial  
5                Surveillance Act allowed the delay.

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

9       A.   If a court or appropriate department or agency determines  
10      that an agent of the state or any political subdivision of the state  
11      has violated any provision of the Oklahoma Unmanned Aerial  
12      Surveillance Act, and the court or appropriate department or agency  
13      finds that the circumstances surrounding the violation raise serious  
14      questions about whether or not the agent of the state or any  
15      political subdivision of the state acted willfully or intentionally  
16      with respect to the violation, the department or agency shall, upon  
17      receipt of a true and correct copy of the decision and findings of  
18      the court or appropriate department or agency, promptly initiate a  
19      proceeding to determine whether disciplinary action against the  
20      agent of the state or any political subdivision of the state is  
21      warranted. If the director of the department or agency involved  
22      determines that disciplinary action is not warranted, the director  
23      shall notify the Attorney General and provide the Attorney General  
24      with the reasons for the determination.

1       B. Any willful disclosure or use by an agent of the state or  
2 any political subdivision of the state of information beyond the  
3 extent permitted by the Oklahoma Unmanned Aerial Surveillance Act  
4 shall be a violation of the act for purposes of this section.

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

11

12       54-2-10519       EK       03/11/14

13

14

15

16

17

18

19

20

21

22

23

24