

Senate Bill 200

By: Senators McKoon of the 29th and Cowser of the 46th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to wiretapping, eavesdropping, surveillance, and related offenses, so as  
3 to define parameters for the use of unmanned aircraft in surveillance activities by private  
4 persons and law enforcement officers; to amend Part 2 of Article 4 of Chapter 11 of Title 16,  
5 relating to the possession of dangerous weapons, so as to prohibit equipping an unmanned  
6 aircraft with weaponry; to amend Article 2 of Chapter 5 of Title 17 of the Official Code of  
7 Georgia Annotated, relating to searches with warrants, so as to define parameters for the use  
8 of unmanned aircraft in searches and seizures; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
13 relating to wiretapping, eavesdropping, surveillance, and related offenses, is amended by  
14 revising Code Section 16-11-60, relating to definitions, to read as follows:

15 "16-11-60.

16 As used ~~within~~ in this part, the term:

17 (1) 'Aircraft' means any object, mechanism, or vehicle deployed in flight. The term shall  
18 not include any object, mechanism, or vehicle deployed in flight for the purpose of  
19 mapping, cartography, or surveying or imaging of land if such deployment is made  
20 without intent to engage in surveillance or search and seizure.

21 ~~(1)~~(2) 'Device' means an instrument or apparatus used for overhearing, recording,  
22 intercepting, or transmitting sounds or for observing, photographing, videotaping,  
23 recording, or transmitting visual images and which involves in its operation electricity,  
24 electronics, aerodynamic forces, or infrared, laser, or similar beams. Without limiting the  
25 generality of the foregoing, the term 'device' shall specifically include any camera,  
26 photographic equipment, video equipment, unmanned aircraft, or other similar equipment

27 or any electronic, mechanical, or other apparatus which can be used to intercept a wire,  
 28 oral, or electronic communication other than:

29 (A) Any telephone or telegraph instrument, equipment, or facility or any component  
 30 thereof:

31 (i) Furnished to the subscriber or user by a provider of wire or electronic  
 32 communication service in the ordinary course of its business and being used by the  
 33 subscriber or user in the ordinary course of its business or furnished by such  
 34 subscriber or user for connection to the facilities of such service and used in the  
 35 ordinary course of its business; or

36 (ii) Being used by a provider of wire or electronic communication service in the  
 37 ordinary course of its business or by an investigative or law enforcement officer in the  
 38 ordinary course of his or her duties; or

39 (B) A hearing aid or similar device being used to correct subnormal hearing to not  
 40 better than normal;

41 (C) Focusing, lighting, or illuminating equipment; or optical magnifying equipment;  
 42 and

43 (D) A 'pen register' or 'trap and trace device' ~~as defined in this Code section.~~

44 ~~(2)~~(3) 'Pen register' means a device or process which records or decodes dialing, routing,  
 45 addressing, or signaling information transmitted by an instrument or facility from which  
 46 a wire or electronic communication is transmitted; provided, however, that such  
 47 information shall not include the contents of any communication; ~~but such.~~ Such term  
 48 does not include any device or process used by a provider or customer of a wire or  
 49 electronic communication service for billing, or recording as an incident to billing, for  
 50 communications services provided by such provider or any device or process used by a  
 51 provider or customer of a wire communication service for cost accounting or other like  
 52 purposes in the ordinary course its business.

53 ~~(3)~~(4) 'Private place' means a place where one is entitled reasonably to expect to be safe  
 54 from casual or hostile intrusion or surveillance.

55 ~~(4)~~(5) 'Trap and trace device' means a device or process which captures the incoming  
 56 electronic or other impulses which identify the originating number or other dialing,  
 57 routing, addressing, and signaling information reasonably likely to identify the source of  
 58 a wire or electronic communication; provided, however, that such information shall not  
 59 include the contents of any communication.

60 (6) 'Unmanned aircraft' means any aircraft that is operated without the possibility of  
 61 direct human intervention within or on the aircraft."

62 **SECTION 2.**

63 Said part is further amended by adding new subsection to Code Section 16-11-64, relating  
64 to interception of wire or oral transmissions by law enforcement officers, as follows:

65 "(c.1) Under an investigation warrant issued for the use of an unmanned aircraft, pursuant  
66 to subsection (c) of this Code section the prosecuting attorney or the Attorney General shall  
67 document all use of the unmanned aircraft for surveillance. Such documentation shall  
68 include records on all surveillance flights as to duration, flight path, and mission objectives,  
69 including the names of places or persons authorized to be subject to surveillance."

70 **SECTION 3.**

71 Part 2 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
72 relating to the possession of dangerous weapons, is amended by revising paragraph (1) of  
73 Code Section 16-11-121, relating to definitions, as follows:

74 "(1) 'Dangerous weapon' means any weapon commonly known as a 'rocket launcher,'  
75 'bazooka,' or 'recoilless rifle' which fires explosive or nonexplosive rockets designed to  
76 injure or kill personnel or destroy heavy armor; or similar weapon used for such purpose.  
77 The term shall also mean a weapon commonly known as a 'mortar' which fires high  
78 explosive from a metallic cylinder and which is commonly used by the armed forces as  
79 an antipersonnel weapon or similar weapon used for such purpose. The term shall also  
80 mean a weapon commonly known as a 'hand grenade' or other similar weapon which is  
81 designed to explode and injure personnel or similar weapon used for such purpose. The  
82 term shall also mean an unmanned aircraft equipped with weaponry to carry a lethal or  
83 nonlethal payload. As used in this paragraph, the term 'unmanned aircraft' shall have the  
84 same meaning as in Code Section 16-11-60."

85 **SECTION 4.**

86 Said part is further amended by revising paragraph (1) of Code Section 16-11-124, relating  
87 exemptions from application of the part, to read as follows:

88 "(1) A peace officer of any duly authorized police agency of this state or of any political  
89 subdivision thereof; ~~or~~ a law enforcement officer of any department or agency of the  
90 United States who is regularly employed and paid by the United States, this state, or any  
91 such political subdivision; ~~or~~ an employee of the Department of Corrections of this state  
92 who is authorized in writing by the commissioner of corrections to transfer or possess  
93 such firearms while in the official performance of his or her duties; provided, however,  
94 that this part shall apply to such peace officers, law enforcement officers of this state or  
95 any political subdivision thereof, and employees in regards to unmanned aircraft  
96 equipped with weaponry to carry a lethal or nonlethal payload;"

**SECTION 5.**

97  
98 Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to  
99 searches with warrants, is amended by adding new Code Section to read as follows:

100 17-5-21.2.

101 (a) As used in this Code section, the term:

102 (1) 'Aircraft' means any object, mechanism, or vehicle deployed in flight. The term shall  
103 not include any object, mechanism, or vehicle deployed in flight for the purpose of  
104 mapping, cartography, or surveying or imaging of land if such deployment is made  
105 without intent to engage in surveillance or search and seizure.

106 (2) 'Unmanned aircraft' means any aircraft that is operated without the possibility of  
107 direct human intervention within or on the aircraft.

108 (3) 'Unmanned aircraft system' means an unmanned aircraft and associated elements,  
109 including communication links and the components that control the unmanned aircraft,  
110 which are required for the pilot in command to operate the unmanned aircraft safely and  
111 efficiently.

112 (b) An unmanned aircraft shall not be used to conduct a search and seizure except upon  
113 the issuance of a search warrant pursuant to subsection (d) of this Code section.

114 (c) An unmanned aircraft shall only be used to conduct a search in the investigation of a  
115 crime constituting a felony. An unmanned aircraft shall not be used to conduct a search  
116 in the investigation of a crime constituting a misdemeanor.

117 (d) In addition to all other requirements for the issuance of a search warrant under this  
118 article, a search warrant executed with the use of an unmanned aircraft shall:

119 (1) Command the officer directed to execute the search warrant to use an unmanned  
120 aircraft to search or to complement the search of the place or person particularly  
121 described in the search warrant and to seize the instruments, articles, or things  
122 particularly described in the search warrant;

123 (2) Issue in duplicate and direct execution by the peace officer named specially in the  
124 search warrant; and

125 (3) Identify the specific flight paths and locations in which the unmanned aircraft system  
126 shall be used and a maximum period of time for which the unmanned aircraft shall  
127 operate in flight.

128 (e) This Code section shall not prohibit the use of an unmanned aircraft:

129 (1) When exigent circumstances exist. For purposes of this paragraph, exigent  
130 circumstances shall exist when a law enforcement agency possesses reasonable suspicion  
131 that absent swift preventative action, there is an imminent danger to life or bodily harm;  
132 or

133 (2) To preserve public safety, protect property, or conduct surveillance for the  
134 assessment and evaluation of environmental or weather related damage, erosion,  
135 flooding, or contamination during a lawfully declared state of emergency."

136

**SECTION 6.**

137 All laws and parts of laws in conflict with this Act are repealed.