

House Bill 560

By: Representatives Cooke of the 18<sup>th</sup>, Allison of the 8<sup>th</sup>, Dutton of the 157<sup>th</sup>, Brockway of the 102<sup>nd</sup>, and Jasperse of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to searches with warrants, so as to provide for legislative findings; to provide  
3 definitions; to provide that it shall be illegal to use unmanned aerial vehicles by law  
4 enforcement in Georgia without first obtaining a warrant; to provide for penalties; to provide  
5 for the inadmissibility of any evidence obtained through the use of unmanned aerial vehicles  
6 without a warrant; to provide for related matters; to provide an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 The General Assembly finds and declares the following:

- 11 (1) The right to privacy is fundamental in a free and civilized society;
- 12 (2) Persons within the State of Georgia have a reasonable and justifiable expectation of  
13 privacy that they will not be monitored by unmanned aerial vehicles (UAVs) by law  
14 enforcement agents of the United States or the State of Georgia without a warrant based  
15 upon probable cause first being issued;
- 16 (3) The potential benefit to law enforcement and criminal justice from the use of UAVs  
17 without a warrant first being issued is far outweighed by the degradation to the  
18 fundamental right to privacy secured by the Constitution of the United States and the  
19 Constitution of Georgia that will result from law enforcement use of UAVs without first  
20 obtaining a warrant; and
- 21 (4) The use of UAVs by law enforcement without first obtaining a warrant is repugnant  
22 to a free society.

23 **SECTION 2.**

24 Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to  
25 searches with warrants, is amended by adding a new Code section to read as follows:

26 "17-5-33.

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

28 (1) 'Law enforcement agent of the State of Georgia' means any officer, employee, or  
29 agent of the State of Georgia; any officer, employee, or agent of a branch, department,  
30 or agency of the State of Georgia; any officer, employee, or agent of a political  
31 subdivision of the State of Georgia; or any person or entity acting under contract with the  
32 State of Georgia or any branch, department, agency, or political subdivision thereof for  
33 the purpose of law enforcement or criminal justice.

34 (2) 'Law enforcement agent of the United States' means any officer, employee, or agent  
35 of the United States; any officer, employee, or agent of a branch, department, or agency  
36 of the United States; or any person or entity acting under contract with the United States  
37 or any branch, department, or agency thereof for the purpose of law enforcement or  
38 criminal justice.

39 (3) 'Unmanned aerial vehicle' means any aircraft of any type without a human pilot on  
40 board.

41 (4) 'Warrant' means a search warrant or investigative warrant issued by a duly authorized  
42 magistrate or judge of the State of Georgia or a duly authorized federal magistrate or  
43 judge using the procedures established by applicable law which shall be based upon  
44 probable cause established by oath or affirmation and which shall be obtained prior to use  
45 of a unmanned aerial vehicle and shall expire 24 hours after issuance.

46 (b) Any law enforcement agent of the United States who utilizes an unmanned aerial  
47 vehicle for any purpose whatsoever within the airspace of the State of Georgia without first  
48 obtaining a warrant shall be guilty of a misdemeanor.

49 (c) Any law enforcement agent of the State of Georgia who utilizes an unmanned aerial  
50 vehicle for any purpose whatsoever within the airspace of the State of Georgia without first  
51 obtaining a warrant shall be guilty of a misdemeanor.

52 (d) Any person who knowingly, or under the facts should have known, assists any person  
53 or entity to violate subsection (b) or (c) of this Code section shall be guilty of a  
54 misdemeanor.

55 (e) Any information gathered by an unmanned aerial vehicle without a warrant and any  
56 information gathered as a result of the use of an unmanned aerial vehicle without a warrant  
57 is declared inadmissible in any civil or criminal proceeding in the State of Georgia.

58 (f) This Code section shall be broadly construed to effect the legislative intent of requiring  
59 a warrant prior to the use of an unmanned aerial vehicle within the State of Georgia by law  
60 enforcement and requiring a warrant in order for any information obtained by an unmanned  
61 aerial vehicle or as a result of the use of an unmanned aerial vehicle to be admissible in a  
62 court of law."

63

**SECTION 3.**

64 This Act shall become effective upon its approval by the Governor or upon its becoming law  
65 without such approval.

66

**SECTION 4.**

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