

House Bill 779 (COMMITTEE SUBSTITUTE)

By: Representatives Tanner of the 9th, Lumsden of the 12th, Watson of the 172nd, Prince of the 127th, and Broadrick of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 6, Title 16, and Code Section 27-3-151 of the Official Code of
2 Georgia Annotated, relating to regulation of aeronautics, aircraft, and airports generally,
3 crimes and offenses, and activity prohibited in the taking of wildlife, respectively, so as to
4 regulate the use of unmanned aircraft systems and the gathering of evidence or information
5 by such systems; to change provisions relating to lawful flights over lands and waters of the
6 state; to provide for definitions; to provide for exceptions; to provide for punishments and
7 penalties and a civil right of action; to provide for venue; to provide for preemption; to
8 regulate the use of unmanned aircraft systems in connection to hunting and fishing; to
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to regulation of
13 aeronautics, aircraft, and airports generally, is amended by revising Code Section 6-2-5,
14 relating to lawful flight over lands and waters of the state, as follows:

15 "6-2-5.

16 Flight in aircraft or by an unmanned aircraft system, as such term is defined in Code
17 Section 16-11-210, over the lands and waters shall be lawful unless such flight is at such
18 a low altitude as to interfere with the then existing reasonable use to which the land or
19 water or space over the land or water is put by the owner of the land or water or unless ~~so~~
20 such flight is conducted as to be imminently dangerous to persons or property lawfully on
21 the land or water beneath."

22 **SECTION 2.**

23 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
24 amended by adding a new article to Chapter 11, relating to offenses against public order and
25 safety, to read as follows:

26 "ARTICLE 627 16-11-210.28 As used in this article, the term:29 (1)(A) 'Unmanned aircraft system' means a powered, aerial vehicle that:30 (i) Does not carry a human operator and is operated without the possibility of direct
31 human intervention from within or on the aircraft;32 (ii) Uses aerodynamic forces to provide vehicle lift;33 (iii) Can fly autonomously or be piloted remotely; and34 (iv) Can be expendable or recoverable.35 (B) Such term shall not include a satellite.36 (2) 'Weapon' means an object, device, or instrument which when used against a person
37 is likely to, or actually does, result in serious bodily injury or death, including, but not
38 limited to, a destructive device as defined in Code Section 16-7-80 or a dangerous
39 weapon as defined in Code Section 16-11-121.40 16-11-211.41 Except for United States military operations or federal governmental contracts involving
42 research using weaponized unmanned aircraft systems, it shall be unlawful to sell,
43 transport, manufacture, possess, or operate an unmanned aircraft system that is equipped
44 with a weapon. Any person that violates this Code section shall be guilty of a felony and
45 upon conviction shall be punished by imprisonment for not less than one nor more than
46 three years or by a fine not to exceed \$100,000.00, or both.47 16-11-212.48 (a) Except as provided in subsection (b) of this Code section, no law enforcement agency
49 shall use an unmanned aircraft system to gather evidence or other information in a private
50 place or of an individual in a private place.51 (b) This Code section shall not prohibit the use of an unmanned aircraft system:52 (1) If the law enforcement agency first obtains a search warrant signed by a judge
53 authorizing the use of an unmanned aircraft system;54 (2) If the law enforcement agency possesses reasonable suspicion that, under particular
55 circumstances, swift action is needed to prevent imminent danger to life;56 (3) To provide continuous aerial coverage when law enforcement is conducting an active
57 search for a fugitive or escapee or is monitoring a hostage situation; or58 (4) To provide aerial coverage when deployed for the purpose of conducting an active
59 search for a missing person.

60 (c) An aggrieved party may initiate a civil action against a law enforcement agency to
61 obtain all appropriate relief, as determined by the court, in order to prevent or remedy a
62 violation of this Code section.

63 (d) No data collected on a person, home, or areas other than the target that justified
64 deployment of an unmanned aircraft system may be used, copied, or disclosed for any
65 purpose. Notwithstanding Article 4 of Chapter 18 of Title 50 or any state or local retention
66 policy, such data shall be deleted as soon as possible, and in no event later than five days
67 after collection. Any data retained in violation of this subsection shall be subject to
68 Article 4 of Chapter 18 of Title 50.

69 (e)(1) The use of an unmanned aircraft system to gather evidence or information for a
70 possible criminal prosecution shall constitute a search. Any law enforcement agency that
71 uses an unmanned aircraft system, or other substantially similar device to gather evidence
72 or obtain information, shall comply in all respects with the Fourth Amendment to the
73 Constitution of the United States and the Constitution of Georgia.

74 (2) Absent exigent circumstances or another authorized exception to the search warrant
75 requirement, evidence obtained or collected in violation of this Code section shall not be
76 admissible as evidence in a criminal prosecution in any court of law in this state.

77 16-11-213.

78 (a) Unless authorized by the owner or lawful occupier of real property or a facility, or the
79 owner of an easement, it shall be unlawful to launch an unmanned aircraft system from
80 private property; provided, however, that this subsection shall not apply to the delivery or
81 retrieval of packages by commercial operators.

82 (b) It shall be unlawful to fly an unmanned aircraft system in such a manner so as to
83 interfere with or cause a hazard to a train, aircraft, or motor vehicle.

84 (c) It shall be unlawful to use an unmanned aircraft system for the purpose of harassing,
85 threatening, or intimidating another person.

86 (d) Any person convicted of a violation of this Code section shall be guilty of a
87 misdemeanor.

88 16-11-214.

89 (a) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
90 political subdivision of this state which is in conflict with this article shall be null, void,
91 and of no force and effect, and this article shall preempt any such ordinance, resolution,
92 regulation, or policy; provided, however, that a county, municipality, or other political
93 subdivision of this state may provide for or prohibit the takeoff, recovery, or use of an

94 unmanned aircraft system from or on its public property, or enforce Federal Aviation
 95 Administration restrictions on the use of airspace.
 96 (b) The state, through agency or departmental rules and regulations, may provide for or
 97 prohibit the takeoff, recovery, or use of an unmanned aircraft system from or on its public
 98 property."

99 **SECTION 3.**

100 Said title is further amended by adding a new Code section to read as follows:

101 "16-10-24.5.

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

103 (1) 'Emergency medical professional' shall have the same meaning as set forth in Code
 104 Section 16-10-24.2.

105 (2) 'Emergency medical technician' shall have the same meaning as set forth in Code
 106 Section 16-10-24.2.

107 (3) 'Firefighter' shall have the same meaning as set forth in Code Section 16-10-24.1.

108 (4) 'Park ranger' shall have the same meaning as set forth in Code Section 16-10-24.4.

109 (5) 'Unmanned aircraft system' shall have the same meaning as set forth in Code Section
 110 16-11-210.

111 (b) A person that knowingly and willfully obstructs or hinders any law enforcement
 112 officer, firefighter, or park ranger in the lawful discharge of his or her official duties by the
 113 use of an unmanned aircraft system, or that knowingly and willfully obstructs or hinders
 114 any emergency medical technician, emergency medical professional, or properly identified
 115 person working under the direction of an emergency medical professional in the lawful
 116 discharge of the official duties of such emergency medical technician, emergency medical
 117 professional, or properly identified person working under the direction of an emergency
 118 medical professional, by the use of an unmanned aircraft system, shall be guilty of a
 119 misdemeanor."

120 **SECTION 4.**

121 Said title is further amended by revising Code Section 16-11-69, relating to penalties for
 122 violation of laws relating to wiretapping, eavesdropping, and surveillance, as follows:

123 "16-11-69.

124 Except as otherwise provided in subsection ~~(d)~~ (e) of Code Section 16-11-66.1 or Article
 125 6 of this chapter, any person violating any of the provisions of this part shall be guilty of
 126 a felony and, upon conviction thereof, shall be punished by imprisonment for not less than
 127 one nor more than five years or a fine not to exceed \$10,000.00, or both."

128 **SECTION 5.**

129 Code Section 27-3-151 of the Official Code of Georgia Annotated, relating to activity
 130 prohibited in the taking of wildlife, is amended by revising subsection (a) as follows:

131 "(a) It shall be unlawful for any person to:

132 (1) Interfere with the lawful taking of wildlife by another person by intentionally
 133 preventing or attempting to prevent such person from such lawful taking of wildlife or
 134 using an unmanned aircraft system, as such term is defined in Code Section 16-11-210,
 135 to interfere with or prevent such person from such lawful taking of wildlife;

136 (2) Disturb or engage in activity tending to disturb wildlife for the purpose of
 137 intentionally preventing or attempting to prevent the lawful taking of such wildlife; ~~or~~

138 (3) Use an unmanned aircraft system, as such term is defined in Code Section 16-11-210,
 139 to assist in the taking of wildlife; or

140 ~~(3)(4)~~ (4) Fail to obey an order of a law enforcement officer to desist from conduct violating
 141 ~~paragraph (1) or (2)~~ paragraphs (1) through (3) of this subsection if the law enforcement
 142 officer observes such conduct or if the law enforcement officer has reasonable grounds
 143 for believing that the person has engaged in such conduct that day or that the person plans
 144 or intends to engage in such conduct that day at a specific location."

145 **SECTION 6.**

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